

TOWN OF WAUSAU ZONING ORDINANCE

9/28/09

**FINAL
DRAFT**

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INTRODUCTION

17.01 TITLE.

This ordinance shall be known as, referred to, or cited as the ZONING ORDINANCE, TOWN OF WAUSAU, MARATHON COUNTY, WISCONSIN.

17.02 AUTHORITY.

These regulations are adopted under authority granted by Sections 61.35 and 62.23 of the Wisconsin Statutes. Therefore, the Town Board of the Town of Wausau, Marathon County, Wisconsin, ordains these zoning regulations.

17.03 PURPOSE AND INTENT.

This chapter is adopted to promote and protect public health, safety, comfort, convenience, aesthetics and other aspects of the general welfare; and, more specifically, to fix reasonable standards to which buildings and structures shall conform, to regulate and restrict lot coverage and population density, to guide the proper distribution and location of various land uses by the establishment of zoning districts which are applied where the Town has zoning jurisdiction, to promote the safety and efficiency of the streets and highways, to provide for adequate light, air, sanitation and drainage, to conserve natural resources, to provide safety from fire, flooding, water pollution, contamination and other hazards, to define the powers and duties of the administrative bodies as provided in this chapter, and to prescribe penalties for the violation of the provisions of this chapter or any amendment to this chapter.

17.04 REPEAL.

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

17.05 GENERAL INTERPRETATIONS.

The following rules of construction shall apply to this chapter:

- (1) The particular shall control the general; in case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control; "shall" is mandatory, "may" is permissive; words used in the present tense shall include the future and words used with singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary; "building" or "structure" includes any part thereof; "used for"; includes "arranged for", "person" includes an individual, corporation, partnership, incorporated association or any other similar entity; unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or" or "either/or," the conjunction shall be interpreted as follows: "and" indicates that all the connected items, conditions, provisions or events shall apply; "or" indicates that the connected items, conditions, provisions or events shall apply singly or in any combination; "either/or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination. All measured distances shall be to the nearest integral foot. If a fraction is ½ foot or more, the integral foot next above shall be taken. The masculine gender includes the feminine and neuter.
- (2) The provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

17.06 SEVERABILITY AND NONLIABILITY.

Should any section, clause, provision or portion of this chapter be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

17.07 EFFECTIVE DATE.

This ordinance shall be in effect after a public hearing, adoption by the Town of Wausau Board and subsequent publication as well as approval by the Marathon County Board of Supervisors as required by Sec. 60.62 (3), Wisconsin Statutes.

17.08 DEFINITIONS.

The following words, phrases and terms, wherever they occur in this chapter shall be interpreted as defined in this section:

1. **ALLEY.** Any public space or thoroughfare which has been dedicated or deeded to the public for public travel and which affords secondary access to abutting property.
2. **ALTERATION.** A building or structure is a change or rearrangement in the structural parts of the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another as well as adding a basement.
3. **ANTENNA.** Any structure for the receipt of VHF, UHF, DVT, or other high frequency waves with an antenna or that uses any other method for reception than that which is typically used by satellite dishes.
4. **ANIMAL CONFINEMENT FACILITIES.** Concentrations of livestock at a density exceeding five animal units per acre per ATCP51. An animal confinement facility must meet the State of Wisconsin Code regarding confinement operation (CAFO) and Chapter 13 Marathon County Code of Ordinances Livestock Facilities Licensing Ordinance.
5. **ANIMAL UNITS.** As defined in NR 243 or as amended as follows:

# Equivalent to 1,000 of Animal Units	Subcategory Animal Types	Animal Equivalency Factor	# Equivalent to 1,000 Animal Units	Subcategory of Animal Types	Animal Equivalency Factor
	DAIRY CATTLE			SHEEP/GOATS	
700	Milking & Dry Cows	1.4	10,000	Per Animal	0.1
910	Heifers (800-1200 lbs)	1.1			
1,670	Heifers (400-800 lbs)	0.6		HORSES	
5,000	Calves (under 400 lbs)	0.2	500	Per Animal	2.0
	BEEF CATTLE			DUCKS	
1,000	Steers/Cows (1000-Mkt)	1.0	5,000	Per Bird (Wet Lot)	0.2
1,250	Steers/Cows (600-1000 lb)	0.8	100,000	Per Bird (Dry Lot)	0.01
2,000	Calves (under 600 lbs)	0.5			
700	Bulls	1.4		CHICKENS	
	SWINE		100,000	Layers	0.01
			200,000	Broilers	0.005
2,500	Pigs (55 lbs-Mkt)	0.4			
10,000	Pigs (up to 55 lbs)	0.1		TURKEYS	
2,500	Sows	0.4	55,000	Per Bird	0.018
2,000	Boars	0.5			
				COMBINED ANIMAL UNITS	
			1,000	Calculated Total	

Examples for determining maximum allowable animals:
$$\frac{5 \text{ animal units/acre (number of acres)}}{\text{Animal Equivalency Factor (AEF)}} = \text{Number of animals}$$

Example #1 40 acres/ 400-800 lb. heifers:
$$\frac{5 \text{ animal units/acre (40) acres}}{.6 \text{ AEF}} = 333 \text{ (400-800 lb. heifers)}$$

Example #2 40 acres / Milking or dry cows:
$$\frac{5 \text{ animal units/acre (40) acres}}{1.4 \text{ AEF}} = 142 \text{ (Milking or dry cows)}$$

Animal unit density equivalents for non-typical species or exotics such as bison, llamas, emu and ostriches shall be determined based on recommendation from the DNR. (Round down when calculating animal units.) A minimum of three acres is required in agricultural zones for two animal units except that which is regulated by ATCP 51.

6. **ANIMAL WASTE FACILITY.** Any site or area specifically designed and/or constructed for the purpose of storage or holding of animal waste and manure as regulated by Chapter 11.02 of the Marathon County code of ordinances, Animal Waste and Manure Management Code.
7. **APARTMENT HOUSE.** A building containing accommodations for more than two families living independently of each other.
8. **AUTO LAUNDRY/CAR WASH.** A building or portion thereof containing facilities for washing vehicles using a steam

cleaning device, cleaning solutions and water under pressure, blower, chain conveyor or other mechanical devices.

9. **AUTOMOBILE SERVICE STATION.** Any building, structure or premises or other place used for the dispensing, sale or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire and similar services are rendered, but not including buildings and premises where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles.
10. **AUTOMOBILE WRECKING YARD, JUNK YARD, OR SALVAGE YARD.** Any area of land where three or more vehicles, unlicensed and/or not in running condition, an accumulation of auto parts, or both, are stored in the open and are not being restored to operation. Any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition. Any area where tire carcasses are stored or recycled. Any area where 3 or more pieces of unlicensed or inoperative construction equipment, motorcycles, snowmobiles, boats or appliances or their parts are stored and are not being restored to operation, or any land or structure for the wrecking or storing of such vehicles, equipment or appliances, or parts thereof, not in working condition. The examples listed by this definition are examples and not intended to be an inclusive list.
11. **BED AND BREAKFAST ESTABLISHMENT.** A building that provides four or fewer sleeping rooms for temporary occupancy for compensation by transient guests who are traveling for business or pleasure and is the owner's personal residence and occupied by the owner at the time of rental. The partnership form of ownership shall be allowed under this definition.
12. **BERMS.** A berm is an earthen wall or embankment.
13. **BOARDING HOUSE.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for 5 or more persons not members of a family, but not exceeding 20 persons and not open to transient customers.
14. **BORROW SITE/BORROW PIT.** Earth excavation where a pit or depression is created for a temporary period to provide earthen material that can be used as fill at another site also known as a non-metallic mine.
15. **BUILDING HEIGHT.** Unless otherwise specified in this ordinance, the vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, dormers, hip and gambrel roofs.
16. **BUILDING PERMIT.** A permit that is required for construction of any building or structure and is issued by Zoning Administrator. It may also be referred to as the Zoning Permit.
17. **BUILDING SITE AREA.** The ground area of a building or buildings, together with all open spaces required by this chapter.
18. **CAMPGROUNDS.** Any premises established for overnight habitation by persons, not the owner of the property, using equipment designed for temporary camping whether or not a fee is charged.
19. **CAMPING UNIT.** Any portable device, no more than 400 square feet in area, used as a temporary shelter, including, but not limited, to a camping trailer, motor home, bus, van, pickup truck, park unit, tent or other mobile recreational vehicle.
20. **CLUB.** An association for some common purpose, but not including a group organized for or which is actually engaged in rendering a service which is customarily carried on as a business. A roadhouse or tavern shall not be construed as a club.
21. **CONDITIONAL USES.** Uses of a special nature as to make impractical their predetermination as a principal use in a district. Conditional Uses in the ordinance shall have the same meaning as special exceptions as used in Wisconsin Statutes Chapter 62.23.
22. **CONDOMINIUM.** Property subject to a condominium declaration established under section 703 Wisconsin Statutes.
23. **CONFORMING BUILDING OR STRUCTURE.** A conforming building or structure is any building or structure which complies with all the regulations of this ordinance or any amendment thereto governing the bulk of the zoning district in which such building or structure is located, or is designed or intended for a conforming use.
24. **DAY CARE OR CHILD CARE FACILITY.** For the purpose of this code a day care or child care facility shall have the same definition as contained in Chapter 48.65(1) Wisconsin Statutes.
25. **DEVELOPMENT.** Any artificial change to improved or unimproved real estate, including, but not limited to, the

construction of buildings, structures or accessory structures: the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of building or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.

26. **DISTRIBUTION EQUIPMENT.** Poles, towers, wires, cable, conduits, vaults, laterals, pipes, mains, valves for telephone or other communications and electric power, gas, water and sewer lines, the sole purpose of which is to connect the utility service to retail customers. Distribution equipment does not include transmission equipment as further defined herein.
27. **DISTRICT.** A designated area for which the regulations governing the use of the land and buildings are uniform.
28. **DOG KENNEL, BREEDING AND/OR BOARDING.** More than six (6) dogs that are more than six (6) months old at a business where dogs are bred and sold and/or boarded, cared for, and/or trained, generally for a fee.
29. **DOG KENNEL, STRUCTURE.** The pen(s), run(s), and accessory structure(s) associated with land used for the harboring of dogs.
30. **DRAINAGE SYSTEM.** One or more artificial ditches, tile drains or similar devices which collect surface runoff on ground water and convey it to a point of discharge.
31. **DRIVEWAY.** A private road that gives access to private property from a public roadway.
32. **DWELLING.** A building or portion thereof designed exclusively for residential occupancy, including one family, two family and multiple family dwellings. An accessory building is not considered a dwelling.
33. **EARTH EXCAVATION.** All excavations of sand, gravel, clay, silt, loam, rock, stone, muck, dirt, soil, and other earth materials as well as the operation of borrow pits or borrow sites, and/or non-metallic mining. This does not include preparation for building sites, landscaping, or driveways.
34. **FAMILY.** An individual or two or more persons related by blood, marriage, guardianship, foster care or adoption, including domestic servants, and not to exceed one gratuitous guest, living together as a single housekeeping unit, or a group of not more than three persons not so related, maintaining a common household and using common cooking and kitchen facilities.
35. **FARM.** An area of land devoted to the production of field or truck crops, livestock or livestock products, which constitute the major use of such property. This includes fur farms in which the animals are housed and fed under artificial conditions.
36. **FARM OPERATOR.** An owner or occupant of a parcel of land as defined in Chapter 91.01 (9) Wisconsin Statutes.
37. **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD).
38. **FEEDLOT.** A feedlot shall be determined to be any of the following facilities, when they are a business and means of livelihood:
 - (a) Any tract of land or structure wherein any type of fowl or the byproducts thereof are raised in close quarters for sale at wholesale or retail.
 - (b) Any structure, pen or corral wherein cattle, horses, sheep, goats, swine, and other animals domestic and/or exotic are maintained in close quarters for the purpose of fattening, milking or production of other animal products for final sale and/or shipment to market.
39. **FLOOR AREA:** The gross horizontal areas of the several stories within the outer lines of the exterior walls of a building or from the centerline of party walls; provided that the floor area of a dwelling shall not include space not usable for living quarter, such as attics, utility or unfinished basement rooms, garages, breezeways and unenclosed porches or terraces.
40. **FRONT YARD:** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
41. **FRONTAGE:** The smallest dimensions of a lot abutting a public street measured along the street line.
42. **GARAGE, PRIVATE.** An accessory building or accessory portion of the main building, used or designed or intended

to be used for the storage of private motor vehicles.

43. **GARAGE, PUBLIC.** A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor driven vehicles.
44. **GRADING.** The physical disturbance of the ground by the addition, removal, or re-distribution of soil.
45. **HABITABLE STRUCTURE.** Any structure, or portion of a structure, used or intended to be used for permanent or intermittent human occupancy.
46. **HEARING NOTICE.** A publication or posting meeting the requirements WI Statutes Chapter 985.
47. **HOME OCCUPATION.** Any occupation for gain or support, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that no article is sold or offered for sale that is not produced by such home occupation, that no stock in trade is kept or sold, that no person other than a member of the resident family is employed on the premises and that no more than 25% of the floor area of any floor of the residence or accessory building is used for the home occupation. A home occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, non-retail cabinet making, real estate brokerage or photographic studios.
48. **HOME PROFESSIONAL BUSINESS.** Any professional occupation for gain or support when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that such business is conducted solely by a member or members of the resident family entirely within the residence, that not more than 50% of only one floor of the dwelling shall be devoted to such business and that no more than two persons not members of the resident family are employed in nonprofessional capacities in any such office. A home professional business includes uses such as attorneys, doctors and dentistry offices, real estate brokerages, photographic studios and service oriented shops such as beauty and barber shops, offices for tax preparation and licensed children's day care for no more than twelve (12) children. Before any home professional business may be opened, a complete septic system evaluation shall be conducted and any improvement to or replacement of the system must be completed before the business may commence.
49. **HOTEL.** A building in which board and lodging are provided to the transient public for compensation.
50. **HUMAN HABITATION.** The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.
51. **INTERCHANGE.** A grade separated intersection with one or more turning lanes for travel between intersecting highways.
52. **LAND USE.** Any nonstructural use made of unimproved or improved real estate. Also see: "DEVELOPMENT".
53. **LANDING.** An uncovered platform at the end of a flight of stairs or a platform for ingress and egress to a structure or a jump platform.
54. **LOT.** A parcel of land occupied or designed to be occupied by one principal structure or use and its accessory structures or uses, including the open spaces required by this chapter, and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the Office of the Register of Deeds, or any part of a large parcel when such part complies with the requirements of this chapter as to width and area for the district in which it is located. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.
55. **LOT, CORNER.** A lot located at the intersection of two streets, any two corners of which have an angle of 120 degrees or less, or is bounded by a curved street, any two chords of which, on the inside of the curve, form an angle of 120 degrees or less.
56. **LOT, WIDTH.** For the purpose of this chapter the width of a lot shall be the shortest distance between the side lines at the building setback line. Such building line may be the setback line or a line designated on a plat or in a conveyance of an unplatted parcel.
57. **MAINTENANCE AND REPAIR.** Includes the replacement of windows, doors, roofing, wiring and siding; upgrading of insulation; internal remodeling and improvements; repair, but not replacement, of an existing foundation or changes to the pitch of the roof.

58. **MANUFACTURED HOME.** A home certified and labeled as a manufactured home under 42 USC Sections 5401 to 5426 which is set upon a foundation constructed at a minimum to the requirements of Wisconsin Administrative Code ILHR 21.18 or its successor, or a comparable foundation as approved by the local Zoning Administrator or Building Inspector, is installed according to manufacturer's instructions, and is properly connected to utilities. For purposes of the Zoning Code, a manufactured home shall be treated the same as a single-family residence and, where appropriate a two-family residence.
59. **MOBILE HOME:** A structure that is or was as originally constructed, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation with walls of rigid uncollapsible construction which has an overall length in excess of 40 feet and includes any additions, attachments, annexes, foundations, and appurtenances. A mobile home includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems and all appliances and all other equipment carrying a manufacturer's warranty.
60. **MOBILE RECREATIONAL VEHICLE.** A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.
61. **MOTEL OR TOURIST CABIN.** A building or series of buildings containing guest rooms in which lodging is offered for compensation and which may have more than five sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access to the adjoining parking for each or many of the guest rooms. .
62. **NONCONFORMING USES OR STRUCTURES:** Any structure, land, or water, lawfully used, occupied, or erected at the time of the effective date of the ordinance or amendments thereto which does not conform to the regulations of this ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a conforming use.
63. **NON-METALLIC MINING.** Any pit or depression created by the removal of rock, gravel, clay, decomposed granite, sand, topsoil, or other natural material from the earth by excavating, stripping, leveling, or any other process, whereby these materials are substantially removed from the site. This does not include preparation for building sites, landscaping, or driveways. This is regulated in Chapter 21 of the Marathon County Nonmetallic Mining Reclamation Ordinance.
64. **NOXIOUS MATTER.** Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.
65. **OCCUPANCY.** Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.
66. **PARK.** A pleasure ground set apart for recreation of the public, to promote its health and enjoyment.
67. **PARK, AMUSEMENT.** An area publicly or privately owned, containing amusement and recreational facilities and devices, whether operated for profit or not.
68. **PARKING LOT.** A lot where automobiles are parked or stored temporarily, but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.
69. **PARTY WALLS.** A wall on the boundary line of adjoining properties that is shared by two owners or tenants.
70. **PERSON.** An individual, group of individuals, corporation, partnership, association, municipality or state agency.
71. **PETS, HOUSEHOLD.** Animals commonly found in a residence as pets, such as dogs, cats, songbirds, and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement. Household pets shall not include horses, chickens, cows, goats, sheep, hogs, snakes, or other animals not commonly found in residences.
72. **PRIVATE SEWAGE SYSTEM/PRIVATE ON-SITE WASTE TREATMENT SYSTEM (POWTS).** For the purpose of this code a private sewage system shall have the same definition as contained in Chapter 145.01(12) WI Statutes.
73. **PROFESSIONAL OFFICE.** The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.

74. **PUBLIC UTILITIES.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
75. **REAR YARD.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This rear yard shall be opposite the front yard which reflects the address of the property.
76. **RECREATION OR YOUTH CAMP.** An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members of associations or groups for recreational purposes.
77. **RECYCLING AND COMPOSTING.** The temporary storage and recycling and sale of stored materials consisting solely of unpainted wood waste and concrete, together with rock, blacktop, dirt and yard waste suitable for composting onsite.
78. **RIDING STABLE.** A building or premises used for the rent or lease of horses or animals for hire.
79. **ROADSIDE STAND.** A structure having a ground area of not more than 300 sq. ft., readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products more than ½ of which were produced on the premises or adjacent premises. There shall not be more than one such roadside stand on any single zoning lot.
80. **SETBACK LINE / BUILDING LINE.** The minimum allowable distance from a given point or line of reference, such as a thoroughfare right-of-way, water line or property line to the nearest vertical wall or other element of a building or structure.
81. **SHOPPING CENTER.** A group of contiguous retail stores, originally planned and developed as a single unit, with immediate adjoining off street parking facilities.
82. **SIDE YARD.** A yard extending from the street yard to the rear yard of the lot, width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.
83. **SIGN.** Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface. Signs placed or erected by governmental agencies or nonprofit civic associations for a public purpose in the public interest shall not be included herein.
84. **SIGN, BILLBOARD, DIRECTIONAL.** Signs which direct potential patrons or visitors to a specific place of business interest or community and which may indicate either goods or services offered or both.
85. **SIGN, FLASHING.** Any illuminated sign on which the artificial light is not maintained stationary, or constant in intensity and color at all times when such sign is in use.
86. **SPECIAL EXCEPTION.** See Conditional Use.
87. **STORY.** The vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.
88. **STREET.** A public or private thoroughfare which affords a primary means of access to abutting property. A driveway to a farm building shall not be considered a street for the purpose of determining setback, even though such driveway may have been designated a town road for the purposes of maintenance.
89. **STRUCTURAL ALTERATIONS.** Any changes in the supporting members of a structure such as bearing walls, columns, beams or girders, footing and piles.
90. **STRUCTURE.** Anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools. Also included are items of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include (but are not limited to) truck campers, travel trailers, buses, and motor homes.
91. **STRUCTURE, ACCESSORY.** A structure which is incidental or subordinate to the principal structure on the same parcel for the use of the parcel as permitted by this code.

92. **STRUCTURE, NONCONFORMING.** A structure erected prior to the effective date of this chapter or amendment thereto, that conforms to use limitations but does not conform to dimensional or other standards including setbacks, floor area, parking, distance, or flood proofing.
93. **STRUCTURE, PRINCIPAL.** A structure which contains or is directly related to the main use of the property on which it is located, conforms to the purpose section of the zoning district in which it is or is to be located and is a structure listed as a permitted or special exception in the zoning district. Only one principal structure is permitted on each lot or parcel.
94. **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction or improvement of a structure, the value of which equals or exceeds 50% of the present equalized assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure or site documented as deserving preservation by the State Historical Society or listed on the National Register of Historic places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and replacement of doors, windows and other nonstructural components.
95. **TRAVEL TRAILER/TRAVEL UNIT.** Travel trailer or travel unit provides a place to sleep which is more comfortable and protected than a tent. It may be towed by a fifth wheel.
96. **TRANSMISSION EQUIPMENT.** Poles, towers, wires, cables, conduits, vaults, laterals, pipes, main valves for high voltage electrical transmission, natural gas, and other utility products and services not intended for direct access by retail customers, but whose purpose is transmission from point of origin to distribution stations or similar locations.
97. **UNNECESSARY HARSHSHIP.** A circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.
98. **USE, ACCESSORY.** A use customarily incidental and accessory to the principal use of a lot or parcel, or building or structure on the same lot or parcel as the principal use.
99. **USE, NONCONFORMING.** Any building or land lawfully occupied by a use at the effective date of this chapter or amendment thereto which does not conform after the passage of this chapter or amendment with the use requirements of the district in which it is situated.
100. **USE, PRINCIPAL.** A principal use is the main use of land or building as distinguished from a subordinate or accessory use.
101. **UTILITIES.** Any public or private water supply, waste collection or disposal system including, but not limited to, septic systems, private and public wells and their attendant facilities, public sewage collection systems and treatment facilities.
102. **VARIANCE.** A departure from the dimensional standards of this chapter as applied to a specific building, structure or parcel of land, which the Board of Appeals may permit, contrary to the regulations of this chapter for the district in which such building, structure or parcel of land is located, when the Board finds that a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district and for which there is not compensating gain to the public health, safety or welfare. (See also 17.97(4)(b)).
103. **VISION CLEARANCE TRIANGLE.** A triangular space which permits an unobstructed view at the intersection of highways or streets with other highways, streets or roads or at the intersection of highways or streets with railroads.
104. **WAREHOUSE - MINI.** Units rented to store residential personal property, sporting equipment such as snowmobiles & boats and other similar non hazardous materials.
105. **WIND ELECTRICAL GENERATION TOWERS (WEGT), PRIVATE.** Any WEGT to be primarily used to provide electricity to a structure at the site of generation.
106. **WIND ELECTRICAL GENERATION TOWERS (WEGT), COMMERCIAL.** Any WEGT to be primarily used to produce electricity that will ultimately be sold and/or used not at the site of generation.
107. **YARD.** An open space on a lot which, except for vegetation or specified structures, is unoccupied and unobstructed

from the ground up. On a parcel which has a conforming principal building, the street, side and rear yards are presumed to extend from the minimum setback line to the nearest point of the principal structure.

108. **YARD, STREET.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance equal to the minimum highway setback specified for the existing or proposed class of highway. On corner lots, the street yard is determined by the street which is parallel to the long axis of the principal structure or is the yard fronting on the street for which the address is assigned.
109. **ZONING PERMIT.** A permit issued to verify and approve how the site and associated development will be used to ensure the site is in compliance with the Town of Wausau Zoning Ordinance. This permit may be used interchangeably with the term Building Permit.

GENERAL REGULATIONS

17.09 JURISDICTION.

The provisions of this chapter shall apply to the land, water, air and all structures both above and below ground within the Town of Wausau, Marathon County.

17.10 COMPLIANCE.

- (1) No structure, land, water or air shall hereafter be used without full compliance with the provisions of this chapter and all applicable local, County and State regulations. No structure (with the exception of certain minor structures), or part thereof shall hereafter be located, erected, moved, reconstructed or altered and no substantial land use change made without a zoning, building, or conditional use/special exception permit. The Zoning Administrator, Planning Commission, and Town Board shall accept all applications, issue or deny all permits, investigate all complaints, give notice of violations and enforce the provisions of this chapter. The Building Inspector will inspect all new construction of residences and issue an occupancy permit. The Building Inspector and Zoning Administrator shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this chapter. If, however, he is refused entry after presentation of identification, he shall procure a special inspection warrant in accordance with Chapter 66.122, WI Stats. except in case of emergency.
- (2) No permit or approval pursuant to this chapter shall be issued where the applicant is in violation of this or any code administered by the Town of Wausau nor for any parcel(s) of land which have an outstanding violation until the violation has been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Town Board and the Planning Commission.
- (3) Where issuance of an after-the-fact permit or approval would have the effect of correcting a violation it may be granted if all conditions required for issuance can be complied with.

17.11 EXEMPTIONS.

- (1) The following uses are exempt from the terms of this chapter and permitted in any zoning district: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distribution equipment for telephone or other communications and electric power, gas, water and sewer lines, with the exception of cellular telephone towers, which are subject to the provision of Section 17.45 (3)(w).
- (2) Wherever practicable, transmission equipment shall be prohibited from residential districts. Transmission equipment shall likewise be prohibited, wherever practicable, from bisecting agricultural parcels. Whenever practicable, transmission equipment shall be located on or in close proximity to property lines and shall follow existing easements and/or right-of-ways.
- (3) In the event that either distribution equipment or transmission equipment needs to be relocated in the public interest, it shall be relocated at the sole expense of the utility company in accordance with a signed Agreement as set forth in Section 17.19(2) which shall be filed with the Town Board prior to initial installation.

17.12 USE REGULATIONS.

- (1) **USES RESTRICTED.** In any district no building or land shall be used and hereafter no building shall be erected, structurally altered or relocated except for one or more of the uses stated in this chapter for that district.

- (2) TEMPORARY USES. Uses such as real estate sales field office or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator upon issuance of a zoning permit.
- (3) UNCLASSIFIED USES. In case of a question as to the classification of a use, the question shall be submitted to the Planning Commission for determination. Uses already classified in any district are not eligible for a determination.

17.13 NONCONFORMING STRUCTURES AND USES.

- (1) Pre-existing structures - dimensional non-conformance.
 - (a) Structures erected prior to the effective date of this chapter or amendment thereto which are conforming to this chapter as to use but do not conform to dimensional rules (setbacks, height, yard spaces, separation, etc.) and which are proposed to be altered are subject to the following requirements:
 - 1. Repairs and improvements of a maintenance nature are allowed.
 - 2. Alterations, additions and expansions which change the exterior dimensions of the structure and which conform to the dimensional rules of this chapter and other applicable regulations are allowed.
 - 3. Alterations, additions, and expansions which change the exterior dimensions of the structure and which do not conform to this chapter, but which do not increase the dimensional non-conformity beyond what currently exists may be allowed provided that the improvements do not exceed 50 percent of the floor area of the existing structure on all levels over the life of the structure and a zoning permit is obtained from the Zoning Administrator.
 - 4. No alterations, additions or expansions may occur which will increase the dimensional nonconformity.
- (2) Pre-existing uses and structures - use nonconformance.
 - (a) Land uses or uses of structures which were established prior to the effective date of this chapter or amendment thereto which are nonconforming as to use may be continued, provided that:
 - 1. If a nonconforming use is discontinued for a period of 12 months, any future use of the property shall be in conformity with this chapter.
 - 2. Nonconforming uses shall be subject to the provisions of Section 17.13(1) as to any dimensional nonconformity and Section 17.13(3).
- (3) Pre-existing structures and uses - other standards and requirements.
 - (a) When a structure which is nonconforming as to dimensional standards or a structure containing a nonconforming use is demolished, removed, or damaged to the extent of more than 50% of its current equalized assessed value it shall not be restored except as a conforming use and at a conforming location.
 - (b) The size and shape of a lot shall not be altered so as to increase the degree of nonconformity of a structure or use.
 - (c) Existing Conditional Uses. All uses existing on the effective date of this chapter which would be classified as special exceptions in the particular zoning district concerned if they were to be established after the effective date of this chapter, are hereby declared to be conforming special exceptions to the extent of the existing operation only.

17.14 ACCESSORY USES AND STRUCTURES.

- (1) Accessory structures and uses customarily incidental to and compatible with permitted principal structures and uses shall be permitted subject to the district requirements. Accessory structures and uses shall not be established prior to the principal structure or use unless:
 - (a) A conditional use permit is recommended by the Planning Commission and approved by the Town Board, or;

- (b) The accessory structure is a permitted single family home in an agricultural district, or;
- (c) The accessory structure is on a parcel zoned agricultural and will be used to store tools or machinery used on the land.

(2) No accessory building shall be erected, used, or maintained for dwelling purposes.

17.15 AREA REGULATIONS.

- (1) **LOT REDUCTION.** After adoption of this chapter, no lot area shall be reduced so that the area, dimensional and yard requirements of this chapter cannot be met.
- (2) **EXISTING LOT.** Lots existing and of record prior to the adoption of this chapter or the establishment or change of zoning districts, but of substandard size, may be devoted to uses permitted in the district in which located, providing the requirements of applicable Wisconsin Administrative Codes can be satisfied and further provided all dimensional setback requirements can also be satisfied. No existing lot shall have its boundaries altered in any way without the resulting parcel(s) being in full compliance with this code and the zoning district in which the parcel(s) are located. The Board of Appeals may waive this requirement where there is not sufficient contiguous ownership to comply but where the parcel(s) to be created will be less nonconforming.

(3) **YARD AND OPEN SPACE REGULATIONS.**

- (a) All yards and other open spaces allocated to a building or group of buildings comprising one principal use shall be located on the same lot as such building. No legally required yards, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yards, other open space or minimum lot area requirements for any other building.
- (b) Except as otherwise provided in this chapter, any side yard or rear yard abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards in the two districts which abut the district boundary line.
- (c) The yard requirements stipulated elsewhere in this chapter may be modified as follows:
 - 1. Marquees, awnings and chimneys adjoining the principal building. Overhanging roof eaves and architectural projections may project into any required yard.
 - 2. Ornamental light standards, flag poles, trees and outdoor fuel-dispensing equipment are permitted in any yard.
 - 3. Residential fences, walls, hedges, or shrubbery are permitted on the property lines in residential districts to separate residential parcels but shall not, in any case, exceed a height of 6 feet. A fence shall not be constructed using barbed wire and shall not be electrified. (Note: This shall not apply to parcel boundaries between agricultural and residential parcels). Fences, walls, hedges, or shrubbery shall not exceed a height of 4 feet in any required street yard and shall not be closer than 2 feet to any public right-of-way.
 - 4. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
 - 5. No fence, wall, hedge, or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially-zoned property, adjacent to residentially-zoned property, to a height exceeding 8 feet.
 - 6. All fences shall present the non-structured face outward.
 - 7. Berming. Earthen berms should, wherever practical, be incorporated into the landscape treatment of a site. The owner must ensure proper drainage.
 - 8. Chapter 90 of the Wisconsin Statutes set out the rules regarding fences in agricultural zoned areas.
 - 9. Mounds, septic systems, and drain fields shall be determined by the Marathon County sanitary permit.

- (d) A setback less than the setback required for the appropriate district for a rear yard may be permitted where there are legally established principal buildings on adjacent lots. In such cases, the setback shall be no less than the average of the setbacks of the nearest principal building on each side of the proposed site. When there is no principal building within 200' on one side, the minimum setback for the district shall be used on that side to calculate the average. The average is not to include any building now within 10 feet of the rear lot line.

For the purpose of this section, measurements shall be the shortest distance from the rear property line to the building foundation or that part of the building which is totally enclosed. The intent is to discount such additions and appurtenances (not limited by enumeration) as roof overhangs, patios, decks, landings, open porches, stoops, etc. All buildings and structures shall be constructed behind the averaged setback line. Construction between the averaged building setback line and the rear property line may only be authorized by a variance pursuant to Section 17.99(3)(b) of this code. NOTE: Since this is a section dealing with rear yards, 'behind' implies 'toward the front of the lot.'

- (e) The owner of two or more lots shall comply with the yard requirements of each individual lot unless the lots are legally combined into a single lot or re-divided by a CSM that is regulated by the Town Land Division Ordinance to maintain minimum yard setbacks .
- (4) MINIMUM LOT AREA. In all districts the minimum lot area shall be calculated without including any road right-of-way or any other easements for streets or utilities which are greater than 20 feet wide.

17.16 HEIGHT REGULATIONS AND EXCEPTIONS.

- (1) Height of the following structures may exceed limits for the district in which they are located: cooling towers, stacks, barns, lookout towers, silos, windmills, water towers, church spires, radio and television aerials, masts, antennas and similar mechanical appurtenances.
- (2) Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a greater height not exceeding 60 feet provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

17.17 HIGHWAY SETBACKS.

For the purpose of determining the distance buildings and other structures shall be setback from streets and highways, the streets and highways of the Town are divided into the following classes:

- (1) CLASS A HIGHWAYS.
 - (a) All state and federal highways are hereby designated as Class A highways.
 - (b) The setback for Class A highways shall be 110 feet from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater, except that for any freeway or divided Class A highway the setback distance shall be 50 feet from the right-of-way line.
- (2) CLASS B HIGHWAYS.
 - (a) All County trunk highways are hereby designated as Class B highways. For the purpose of this chapter any road will be considered as a County trunk after it has been placed on the County trunk system and approved by the WI DOT.
 - (b) The setback for Class B highways shall be 83 feet from the centerline of such highway or 45 feet from the right-of-way line, whichever distance is greater. Buildings which were legally built at a setback of 75-83 feet from the centerline may be added to or rebuilt on the existing foundation subject to the limitations in Section 17.13(1)(a)4 and 17.19.
- (3) CLASS C HIGHWAYS.
 - (a) All town roads, public streets and highways not otherwise classified are hereby designated Class C highways.
 - (b) The setback from Class C highways shall be 78 feet from the centerline.

(4) PRIVATE ROAD EASEMENT

The setback from private easements serving more than one residence or parcel, or from a Railroad right-of-way, shall be 30 feet from the described easement or right-of-way. In the case of an easement that does not have a legal description the setback shall be 30 feet from the nearest point on the edge of the traveled way.

17.18 VISION CLEARANCE TRIANGLE (VCT)

- (1) Purpose: The VCT setbacks are intended to provide motorists a safe braking and stopping distance to avoid accidents and to provide motorists turning onto roads, streets, and highways a safe accelerating distance to merge with traffic to reduce traffic congestion. As essential as they are to the traffic safety, VCT regulations cannot guarantee unobstructed vision due to topography, natural vegetative growth, and development that may encroach. Obstacles to be kept out of VCTs need only be capable of causing a traffic hazard, they need not actually be shown to cause unsafe traffic conditions. Obstacles which may be allowed are ones which a typical motorist in a vehicle can be expected to see over, under or through reasonably enough to see approaching traffic (Section 17.19).
- (2) Standards for VCTs
 - (a) At each uncontrolled road intersection or road-railroad intersection in any part of the agricultural zone shall be a vision clearance triangle (VCT) bounded by the road centerlines and a line connecting points 300 feet from a Class A highway intersection, 200 feet from a Class B highway intersection, and 75 feet from a Class C highway and private easement road intersections.
 - (b) At controlled intersections vegetation and landscape restrictions shall be as follows:
 1. In agricultural zones, when one road has a stop or yield sign: The leg of the VCT following the centerline of the road that has no stop or yield sign shall be the length as required in (2)(a). The VCT line shall extend from the end of that line to a point on the centerline of the street that has the stop or yield sign and which is 100 feet from the intersection of the centerlines of the two streets.
 2. When both roads have stop signs, yield signs or traffic lights, or the intersection is in a non-agricultural zone, vegetation and landscape restrictions shall be as follows: The VCT line shall be bounded by the street centerlines and a line connecting points 50 feet from their intersection.
 3. Within a VCT, no structure shall be constructed and no vegetative material shall be planted or landscaping done that causes or will cause an obstruction to view between a height of 2½ feet and 10 feet above the elevation of the road or highway. Vegetation or landscaping occurring in the VCT may be ordered to be pruned, thinned and/or removed if it is capable of causing a traffic hazard and removal of the obstacle to view has been requested by the unit of government having jurisdiction over one or more of the intersecting roads, streets or highways, or by a law enforcement agency having jurisdiction.
 4. The planting and harvesting of field crops is permitted but not so as to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance triangle from one highway or street to another.

17.19 STRUCTURES PERMITTED WITHIN SETBACK LINES.

- (1) Open fences.
- (2) Petroleum and gas transmission lines, telephone, telegraph, cable television and power transmission poles and lines and portable equipment both above and below ground that is readily removable in its entirety. Additions to and replacement of all such structures may be made, provided the owner will file with the Town Clerk an agreement in writing that the owner will move or remove all new construction, additions and replacements erected after the adoption of this chapter at his expense, when necessary to the public interest, i.e. highway construction, airport, sewer and water lines, etc.
- (3) Underground structures not capable of being used as foundations for future prohibited over-ground structures.
- (4) The planting and harvesting of field crops, shrubbery and trees except that no trees, shrubbery or field crops, shall be planted so as to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance triangle from one highway or street to another.

- (5) Permitted signs and signs placed by the public authorities for the guidance or warning of traffic.

17.20 LANDSCAPING

- (1) The Town of Wausau finds that it is in the public interest to provide landscape improvements for the purposes of complementing the natural environment and improve the general appearance of the community. All applicants applying for a zoning/building permit, conditional use permit, or moving permit shall submit a landscape plan. The plan must include:
- (a) The grading standards that will be used at the building site to prevent drainage problems for neighboring property.
 - (b) The location of the site excavation.
- (2) Ground cover in open spaces shall at a minimum be seeded six months after completion of the building.
- (3) The following exceptions may be granted during the review process when applying for a zoning/building, conditional use or moving permit:
- (a) The use of mulch material for shrubs and foundation plantings.
 - (b) The seeding of future expansion areas delineated on the site plan.
 - (c) Areas maintained in a natural state that are undisturbed during construction.
 - (d) Other landscape elements such as decks, patios, stepping stones, berms, or landscape stones may be incorporated therein.

17.21 PONDS

- (1) Ponds shall meet the following conditions:

Exemptions include:

- (a) Swimming pools.
 - (b) Animal Waste Storage Facility/Manure Storage Pits with the following conditions:
 - 1. Located wholly in Agricultural zoning
 - 2. A minimum of 300 feet from any existing residential area.
 - 3. Outside the sewer service area.
 - (c) Water gardens 800 square feet or less in surface area.
 - (d) Detention ponds being constructed as part of an approved Storm Water Management System as long as they are designed and constructed in accordance to the set standards of Marathon County, EPA and the DNR.
- (2) Ponds are permitted in all zoning districts.
- (3) A pond permit is required for all ponds .
- (4) Ponds outside the jurisdiction of shorelands shall maintain a slope from the shoreline no greater than 4 feet horizontal to 1 feet vertical to a water depth of 6 feet when the pond is at its lowest level due either to seasonally fluctuating ground water levels or pumping for irrigation in a residential district and 3 feet to 1 inch vertical to water depth of 6 inches in transitional agricultural and agricultural districts.
- (5) Ponds shall be located at least 30 feet from any property boundary, 50 feet from any septic system drain field area and 25 feet from a septic or holding tank.
- (6) All ponds shall have an outflow to maintain the maximum normal water level, the size of this outflow shall be determined by design and shall be capable of removing 1 inch of water from the surface of the entire pond and lake every 12 hours. The size of the outflow pipe shall not be less than 6 inches in diameter. Calculations shall be provided with the zoning application. Outflows shall not flow directly onto adjacent parcels of property. Outflow discharge may cross adjacent parcels through a natural existing waterway only, but in no way shall this discharge create a waterway or a nuisance. A safety buffer area with a slope of 3:1 or less shall be established and maintained from normal high water level, this area shall be no less than 6 feet measured from the waters edge.
- (7) All ponds shall protect the shoreline banks from erosion and excess seepage. This protection shall be provided in one of the following ways: existing clay soils, clay blanket, compaction, waterproof liners, stones, rocks, or landscaping bricks.
- (8) The groundwater table in the surrounding area and adjacent to the pond or lake shall be protected.
- (9) The premises shall be excavated and graded in conformity with the plan as approved.

- (10) The perimeter of the pond shall be landscaped and seeded with a perennial ground cover within six months after completion of the excavation.
- (11) The Town of Wausau retains the right to require any other and or future restrictions as deemed necessary to protect the health, safety, and welfare of the community.
- (12) Introduction of fish, game, or plant life shall meet DNR regulations.
- (13) The Town Board reserves the right to inspect before and during construction as well as after the pond has reached its minimum water level.
- (14) Ponds with a total disturbed area of more than one acre require a Marathon County non-metallic mining permit.
- (15) Ponds which include a berm, dam or dike six feet high or greater must be designed and reviewed by an engineer to ensure structural integrity.
- (16) No pond shall exceed forty percent of the total lot area or four acres in area which ever is less.
- (17) Material excavated in creating any such pond must be removed from the site to the extent that such material is not to be used for onsite improvements and any such material may be disposed of either commercially or otherwise. No pond excavation shall commence until a source of all material to be excavated is identified.
- (18) Pond construction and material removed must be completed within a period of time not to exceed eighteen months. No lot containing a pond within a subdivision or being part of a Certified Survey Map may subsequently be used for the development or construction of a pond thereon.

DISTRICTS AND MAPS

17.40 ZONING DISTRICTS

For the purpose of determining separation of uses, the R-1/20 district is considered a residential district. In districts AT-1/40 and A-1/80 when the principal structure is a residence the parcel shall be treated as a residential parcel for all use determinations. When the principal structure is a farm structure, such as the main barn on a dairy farm, the parcel shall be treated as an agricultural parcel for all use determinations.

17.41 MAPS AND BOUNDARIES.

The boundaries of these Districts in the territorial limits of the Town, are hereby established as shown on a map entitled "Town of Wausau Zoning Map". This map is on file in the Town office, and is hereby incorporated in this ordinance.

17.42 INTERPRETATION OF DISTRICT BOUNDARIES

- (1) Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:
 - (a) Where boundaries approximately follow street, alley, or highways. Where district boundaries are indicated as approximately following the center line or street line of streets, the center line or alley line of alleys, or the center line of right-of-way line of highways such lines shall be construed to be such district boundaries.
 - (b) Where boundaries parallel street lines, alley lines or highway right-of-way lines are so indicated that they are approximately parallel to the center lines or street lines of streets, the center lines or alley lines of alleys, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

17.43 R-1/20 RESIDENTIAL DISTRICT.

- (1) **PURPOSE.** The Residential District is designed to encourage a suitable environment for family life by permitting under certain conditions, such neighborhood facilities as churches, schools, playgrounds and appropriate institutions and by protecting the residential character against non-compatible uses. The districts are intended to avoid overcrowding by requiring certain minimum yards, open spaces and site area. No animal units are allowed in this zoning district other than household pets.
- (2) **PERMITTED USES.**
 - (a) Accessory buildings, including private kennels and private garages and buildings clearly incidental to the residential use of the property, provided, however, that no accessory building may be used as a separate dwelling unit. Private garages and other residential accessory storage structures shall be

subject to the following standards:

1. Any structure having more than one wall forming an enclosure shall have less floor area than the principal structure and shall not exceed 1200 square feet.
 2. The length of the structure shall not be more than two times its width.
 3. Side walls shall not exceed 12 feet in height, from the top plate to the finished floor.
 4. The maximum building height, measured from the highest point of the roof to the floor shall not exceed 35 feet.
 5. Construction and finished appearance shall be compatible with existing neighborhood development.
 6. Must be 10 feet from the side lot line.
 7. A mobile home or manufactured home shall not be considered an accessory building.
- (b) Churches, cemeteries subject to WI Statutes Chapter 157, public and parochial schools, colleges and universities.
- (c) Home occupations as defined in Section 17.08(47).
- (d) Home professional businesses as defined in Section 17.08(48).
- (e) Non-traditional construction for residential structures such as pole or steel shall generally not be approved.
- (f) Parks and playgrounds, including swimming pools, golf courses, tennis courts, picnic grounds and bathing beaches.
- (g) Ponds.
- (h) Railroad right-of-way but not including switching, classification yards or sidings.
- (i) Single family dwellings on permanent foundations designed for and occupied exclusively by one family.

(3) **CONDITIONAL USES.** The following are special uses permitted when the location of the use shall have been approved and a special exception recommended by the Planning Commission after a public hearing and approved by the Town Board. Such approval shall be consistent with the general purpose and intent of this chapter and shall be based upon such evidence as may be presented at such public hearing. Such uses shall also be subject to certain specific conditions as may be required.

- (a) Accessory structures with floor area or components differing from the standards listed in subsection 17.43(2)(a), provided the use of the structure is subordinate to a permitted use, and the parcel equals or exceeds the minimum area for the zoning district. The design shall be compatible with existing neighborhood development and not contrary to any existing restrictive covenants. Nontraditional designs such as quonset roofs shall be subject to this section.
- (b) Bed and Breakfast Establishment and Tourist Rooming House subject to Chapter 254.61, Wis. Stats.
- (c) Institutions of a charitable or philanthropic nature, day care or child care facilities, clinics and sanatoria, except mental institutions.
- (d) Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (e) Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.

(4) **HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.**

- (a) Height. Except as otherwise provided in this chapter no building or structure shall exceed a height of 35 feet.
- (b) Floor Area. Buildings used in whole or in part for residential purposes that are hereafter erected, moved or structurally altered shall have a minimum of 1,000 sq. ft. of floor area dedicated to living space.

(c) Lot Area.

1. In the R-1/20 district platted or unplatted lands where public sewer is not available, the minimum lot area shall be 20,000 sq. ft.
2. No building, together with its accessory buildings, shall occupy in excess of 30% of the area of any lot.

(d) Width. A minimum lot width of a 100 feet at the building line.

(e) Side Yards. There shall be a side yard on each side of a building. No single side yard shall be less than 10 feet wide.

(f) Rear Yard. The minimum depth of any rear yard shall be 35 feet.

(g) Setback Lines (Streets). See Sections 17.17 and 17.18.

(h) Off Street Parking. See Sections 17.70-17.72.

17.44 AT-1/40 AGRICULTURAL TRANSITION DISTRICT.

- (1) **PURPOSES.** The purposes of the AT-1/40 District is to: provide for the orderly transition of agricultural land to other uses in areas planned for eventual urban expansion; defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; ensure that urban development is compatible with local land use plans and policies; provide periodic review to determine whether all or part of the lands should be transferred to another zoning district. Such review shall occur:

- (a) A minimum of every 2 years.
- (b) Upon completion or revision of the Town of Wausau Comprehensive Plan by the Planning Commission which affects lands in these districts; or
- (c) Upon extension of public services such as sewer and water necessary to serve urban development.

- (2) **LANDS INCLUDED WITHIN THIS DISTRICT.** This district is generally intended to apply to lands located adjacent to urbanized areas where such lands are predominantly in agricultural or related open space use but where conversion to nonagricultural use is expected to occur in the foreseeable future. Lands indicated as transition areas in the Town of Wausau Comprehensive Plan and similar lands are to be included.

(3) **PERMITTED USES.**

- (a) Any use permitted in the R-1/20 districts.
- (b) Accessory buildings, including private kennels and private garages and buildings clearly incidental to the residential use of the property, provided, however, that no accessory building may be used as a separate dwelling unit. Private garages and other residential accessory storage structures shall be subject to the following standards:
 1. Any structure having more than one wall forming an enclosure shall have less floor area than the principal structure and shall not exceed 1200 square feet.
 2. The length of the structure shall not be more than two times its width.
 3. Side walls shall not exceed 18 feet in height, from the top plate to the finished floor.
 4. The maximum building height, measured from the highest point of the roof to the floor shall not exceed 35 feet.
 5. Construction and finished appearance shall be compatible with existing neighborhood development.
 6. Must be 10 feet from the side lot line.
 7. A mobile home or manufactured home shall not be considered an accessory building.
- (c) Campers or camping trailers may be stored or parked indefinitely, provided the unit is stored in or

behind a structure or is screened from the road with natural screening so that it is not visible from the right-of-way. Tents and self-contained campers or camping trailers may be occupied by the owner or their immediate family on a temporary basis, not to exceed 60 days in a calendar year, provided that approval is granted by the Town Board or a duly appointed deputy, if the use is to exceed 30 days.

- (d) General farming, including dairying, livestock and poultry raising. Other agricultural activities such as nurseries, non-commercial greenhouses, beekeeping, vegetable warehouses, seasonal sale of seed and fertilizer and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided that no commercial greenhouse or building for the housing of livestock or poultry shall be located within 300 feet of any boundary of a residential zoning district. Buildings, pens and structures used for the housing, sheltering or feeding of livestock shall be located no less than 100 feet from any lake or stream. Minimum of 3 acres required for two animal units except as regulated by ATCP 51.
- (e) Non-traditional construction for residential structures such as pole or steel or quonset shall generally not be approved.
- (f) Signs. (See Section 17.80-17.83.)
- (g) Telephone exchanges, telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures, such as transformers, unit substations and equipment housings, provided there is no service garage or storage yard.
- (4) **CONDITIONAL USES.** The following are special uses permitted when the location of the use shall have been approved and a special exception recommended by the Planning Commission after a public hearing and approved by the Town Board. Such approval shall be consistent with the general purpose and intent of this chapter and shall be based upon such evidence as may be presented at such public hearing. Such uses shall also be subject to certain specific conditions as may be required.
 - (a) Accessory structures with floor area or components differing from the standards listed in subsection 17.44(3)(b), provided the use of the structure is subordinate to a permitted use, and the parcel equals or exceeds the minimum area for the zoning district. The design shall be compatible with existing neighborhood development and not contrary to any existing restrictive covenants.
 - (b) Bed and Breakfast Establishment and Tourist Rooming House subject to Chapter 254.61, Wis. Stats.
 - (c) Institutions of a charitable or philanthropic nature, day care or child care facilities, hospitals, clinics and sanatoria, except contagious hospitals and mental institutions.
 - (d) Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.
 - (e) Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
 - (f) Telecommunication facilities, commercial radio or TV broadcasting studio and/or tower and microwave relay towers, cellular telephone towers and similar structures which support antennae, dishes or other broadcast, relay, amplification and other transmission devices and their accessory structures when considering the following, which shall be provided by the applicant.
 1. Location of all towers used for similar purposes within a three (3) mile radius and co-location possibilities;
 2. Method(s) to camouflage, or stealth technology used, to minimize visual impacts;
 3. Number of users that tower will support;
 4. An intermodulation study or other documentation which provides a technical evaluation that indicates potential interference problems.

No new or existing telecommunications service shall interfere with public safety telecommunications. No tower shall exceed 150 feet in height. The property line setbacks for towers shall be the height of the tower and any antennae plus 20' from any property line or road right-of-way. These setbacks may be reduced if the tower is engineered to collapse on itself. The setback with certification from an engineer shall be the collapse radius plus 20' from all property

lines or the highway and railroad setbacks as prescribed in Section 17.17 of this ordinance, whichever is greater. No tower shall be within 600 feet of the nearest residence other than the owner of the property upon which the tower will be constructed.

When considering conditions to attach to any permit which may be issued, the Planning Commission should take into account that monopole towers are preferred, with lattice towers being the second preference, and guyed towers being least desirable. Illumination should be limited to the minimum required by FAA or other federal or state authority. Within 180 days of cessation of operations all abandoned or unused towers and accessory structures not to be used for another purpose shall be removed. Co-location of towers shall be allowed as long as it does not interfere with other users.

(5) **HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.**

- (a) Height. Except as otherwise provided in this chapter, no building shall exceed a height of 35 feet.
- (b) Floor Area. Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a minimum of 1,000 sq. ft. of floor area dedicated to living space.
- (c) Lot Area.
 - 1. For platted or unplatted lands, the minimum lot area shall be determined by soil test according to the formulas of the Department of Commerce as contained in COMM 83 Wis. Adm. Code. However, no lot shall be less than 40,000 sq. ft.
 - 2. No building, together with its accessory buildings, shall occupy in excess of 30% of the area of any lot.
- (d) Width. A minimum width of 150 feet at the building line.
- (e) Side Yards. There shall be a side yard on each side of a building. No single side yard shall be less than 15 feet wide.
- (f) Rear Yard. The minimum depth of any rear yard shall be 35 feet.
- (g) Setback Lines (Streets). See Sections 17.17 and 17.18.
- (h) Off Street Parking. See Sections 17.70-17.72.

17.45 **A-1/80 AGRICULTURAL DISTRICT.**

- (1) **PURPOSE**. This Agricultural District is designed to foster the preservation and use of agricultural land related uses and to provide for limited residential uses in a rural environment but not the division of land as classified into 4 or more tracts, parcels or lots within a 5 year period.
- (2) **PERMITTED USES**.
 - (a) Any use permitted in the R-1/20 and AT-1/40 districts, and minor subdivisions classified as certified survey of no more than 4 lots within a 5 year period. All new habitable structures other than that of the farm operator shall be located at least 300 feet from buildings, pens, and structures used for the housing, sheltering or feeding of livestock.
 - (b) Forestry and forest products.
 - (c) Governmental uses such as town halls, garages, solid waste transfer stations and recycling collection centers or depots.
 - (d) Hunting, fishing and trapping.
 - (e) Maple syrup processing plant.
 - (f) Mini Warehousing. It is generally expected that "Mini Warehousing" as defined will only be allowed in existing farm buildings which would otherwise be vacant due to farm consolidation or for other reasons.
 - (g) Mobile Homes.
 - 1. One mobile home used for habitation which is not the primary place of residence shall be permitted on any operating farm or in a hardship providing:
 - a. Notification in writing by the farm owner must be presented to the Town Board and Planning

Commission before one or more of the occupants of the mobile home occupies the mobile home. The occupants must derive a substantial portion of their livelihood from the farm operation and/or substantially participates in the operation of the farm for approval to be granted.

- b. Notification in writing is presented to the Town Board of the hardship. If approval is granted in the hardship case, a mobile home may be permitted for such period of time as approved by the Town Board.
- 2. Mobile homes and manufactured homes should not be considered to be permissible as an accessory building.
- (h) Private Wind Electrical Generation Towers (WEGT) when the height conforms to Section 17.16, is located at least 300 feet from the nearest residential structure other than the owner, is set back from the property line the equivalent of the structure's total height plus 20 feet or if the structure is engineered to collapse on itself, 50 feet from property lines. No tower shall be located in any floodplain or wetland.
- (i) Roadside stand.
- (j) Sawmills. When located 500 feet minimum distance from a residence other than the owner's.
- (k) Transient amusements and temporary / intermittent uses such as music festivals, carnivals, rodeos, horse shows and circuses are subject to the Town Board approval and shall require a temporary zoning permit. These activities shall not be permitted for more than three consecutive days nor more than three times in any 365 day period.
- (3) **CONDITIONAL USES.** The following are special uses permitted when the location of the use shall have been approved and a special exception recommended by the Planning Commission after a public hearing and approved by the Town Board. Such approval shall be consistent with the general purpose and intent of this chapter and shall be based upon such evidence as may be presented at such public hearing. Such uses shall also be subject to certain specific conditions as may be required.
 - (a) Aircraft landing fields, basins and hangars providing the site area is not less than 20 acres.
 - (b) Animal hospitals and the boarding of animals.
 - (c) Bed and Breakfast Establishments, Tourist Rooming House or Boarding House, subject to Chapter 254.61 Wis. Stats.
 - (d) Canneries
 - (e) Cheese factories.
 - (f) Concrete batching and/or blacktop mix plant (temporary), processing and recycling of road surface material (temporary).
 - (g) Contractor's storage yards, when any such yard shall be so placed, fenced or screened by a planting so as not to be visible from any public highway or residential building other than that of the owner of such yard, his agent or employee.
 - (h) Creameries.
 - (i) Dog kennels, for training, breeding or boarding, with more than six (6) dogs that are more than six (6) months old.
 - (j) Drive-in theaters, provided there is a distance of not less than 1,000 feet between the boundary of any Residential District and the drive-in theater site, measured in a straight line.
 - (k) Farms exceeding two animal units per acre. Provisions for approval must include a suitable manure disposal plan, controlled barnyard runoff, and must address other management concerns except farms that meet ATCP 51 requirements.
 - (l) Fish hatchery including fishing for a fee (commercial).
 - (m) Game farm.
 - (n) Housing for migrant workers.
 - (o) Hunting grounds and game reserves and dog field trial grounds.
 - (p) Incinerator (public).
 - (q) Institutions of a charitable or philanthropic nature, day care or child care facilities, clinics and sanatoria, except mental institutions.
 - (r) Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.
 - (s) Livestock collection and transfer depots when located not less than 300 feet from a RS residential district and when accessory to principal agricultural use of the property.

- (t) Medical, correctional or charitable institutions.
- (u) Pet cemeteries.
- (v) Riding stables and riding academies subject to the following:
 1. Lighted equestrian trails shall be no closer than 200 feet from any property line or 300 feet from any residence other than that of the owner unless written approval is granted by the adjoining owner(s) for a lesser setback and recommend by the Planning Commission and approved by the Town Board after a public hearing.
 2. Stables, barns, corrals and exercise yards shall be located no closer than 300 feet from any property line of a residential district or residential use as defined in 17.40.
 3. No more than 2 persons other than a member of the resident family shall be employed on the premises.
 4. A minimum of three acres is required for two animal units.
- (w) Telecommunication facilities, commercial radio or TV broadcasting studio and/or tower and microwave relay towers, cellular telephone towers and similar structures which support antennae, dishes or other broadcast, relay, amplification and other transmission devices and their accessory structures when considering the following, which shall be provided by the applicant.
 1. Location of all towers used for similar purposes within a three (3) mile radius and co-location possibilities;
 2. Method(s) to camouflage, or stealth technology used, to minimize visual impacts;
 3. Number of users that the tower will support;
 4. An intermodulation study or other documentation which provides a technical evaluation that indicates potential interference problems.

No new or existing telecommunications service shall interfere with public safety telecommunications. No tower shall exceed 150 feet in height. The property line setbacks for towers shall be the height of the tower and any antennae plus 20' from any property line or road right-of-way. These setbacks may be reduced if the tower is engineered to collapse on itself. The setback with certification from an engineer shall be the collapse radius plus 20 feet from all property lines or the Highway and railroad setbacks as prescribed in Section 17.17 of this ordinance, whichever is greater. No tower shall be within 600 feet of the nearest residence other than the owner of the property upon which the tower will be constructed.

When considering conditions to attach to any permit which may be issued, the Planning Commission should take into account that monopole towers are preferred, with lattice towers being the second preference, and guyed towers being least desirable. Illumination should be limited to the minimum required by FAA or other federal or state authority. Within 180 days of cessation of operations all abandoned or unused towers and accessory structures not to be used for another purpose shall be removed. Co-location of towers shall be allowed as long as it does not interfere with other users.
- (x) Wind Electrical Generation Towers-Commercial provided no tower shall be located within 1200 ft. of a residence or residential zoning district and the towers shall be set back from any property boundary a distance equivalent to its height to the top of the arc of the rotor plus 100 feet. No tower shall be located in any floodplain or wetland.

(4) HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.

- (a) Height. Except as otherwise provided in this chapter, no building or structure shall exceed a height of 35 feet.
- (b) Lot Area. Buildings used in whole or in part for residential dwelling purposes which are hereafter erected or structurally altered shall be located on a lot having an area of not less than 80,000 square feet with a width of 200 feet at the building line.
 1. Riding stable/Academy hereafter established shall be located on a parcel having a contiguous area of not less than 35 acres.
- (c) Floor Area. Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a minimum floor area of 1,000 sq. ft., provided that this regulation shall not apply to mobile homes permitted on farms.
- (d) Width. A minimum width of 200 feet at the building line.

- (e) Side Yards. There shall be side yards provided between each building and the property line of not less than 20 feet.
- (f) Rear Yard. There shall be a minimum rear yard depth of 50 feet.
- (g) Street Setbacks. There shall be a street setback provided between each building and the public street as follows: (see Section 17.17 Highway Setbacks)
- (h) Non-conforming Buildings which were legally built at a conforming setback and on a conforming lot prior to the adoption of these provisions requiring larger lots and greater setbacks may be added to or rebuilt on the existing foundation subject to all of the limitations of the A-1/80 district.
- (i) Off Street Parking. See Sections 17.70-17.72.

17.46 CM COMMERCIAL/ LIGHT MANUFACTURING DISTRICT.

- (1) **PURPOSE.** This district is designed to provide for a wide range of retail stores and personal service establishments which cater to frequently recurring needs as well as light manufacturing. The regulations are designed to promote stability of retail development by encouraging continuous retail frontage and the manufacturing of light materials.
- (2) **PERMITTED USES.**
 - (a) Animal hospitals and clinics, but not the boarding of animals.
 - (b) Antique or art shop.
 - (c) Bakery employing not over 8 persons on the premises.
 - (d) Bank, savings and loan or other financial institutions.
 - (e) Barber shop, beauty parlor.
 - (f) Book and stationery store.
 - (g) Business, professional offices and clinics.
 - (h) Clothing store, department store, shoe store, shoe repair shop.
 - (i) Clubs and lodges.
 - (j) Commercial entertainment facilities, but not drive-in theaters.
 - (k) Dance studios.
 - (l) Drugstore.
 - (m) Dwelling, single family, but only as an accessory to a principle use. A dwelling unit will be permitted providing a business which is authorized in this district and the dwelling unit are located upon the same zoning lot and provided further that the owner of the dwelling resides therein and such owner is also the owner and operator of the business establishment.
 - (n) Florist shop.
 - (o) Food products (retail), fruit and vegetable store, grocery store, meat and fish market, supermarket.
 - (p) Funeral homes.
 - (q) Furniture store, appliances, office equipment, upholstery.
 - (r) General or clerical office.
 - (s) Greenhouses-commercial
 - (t) Hardware, household appliances, plumbing, heating and electrical supplies, auto supplies.
 - (u) Health club.
 - (v) Hotel, motel.
 - (w) Insurance firms, real estate firms, stockbrokers.
 - (x) Jewelry store.
 - (y) Laundry, cleaning and dyeing establishment.
 - (z) Libraries, museums.
 - (ab) Martial arts schools.
 - (ac) Medical and dental offices.
 - (ad) Music, radio and television store, record shop.
 - (af) Paint store, interior decorator.
 - (ag) Parking lot.
 - (ah) Pet stores.
 - (ai) Photographer, photography supply shop.
 - (aj) Printing and duplicating.

- (ak) Professional offices as defined in Section 17.08(71).
 - (al) Public utility office or substation, telephone exchange, fire station, police station, administration buildings and similar uses.
 - (am) Publishing offices.
 - (an) Radio and television broadcasting studio, tower, mast or aerial, microwave radio relay structures.
 - (ao) Retail stores and shops offering convenience goods and services.
 - (ap) Restaurant, café, or fast food restaurants.
 - (aq) Signs, (See Sections 17.80-17.83)
 - (ar) Sign painting shop.
 - (as) Sporting goods stores.
 - (at) Theater, except drive-in theater.
 - (au) Schools and learning/training centers conducted for profit.
 - (av) Warehousing, inside storage and mini warehousing including inside storage of contractor's supplies and equipment.
 - (aw) Manufacturing or storage in connection with any of the above uses, when clearly incidental to the conduct of a retail business on the premises.
- (3) **CONDITIONAL USES.** The following are special uses permitted when the location of the use shall have been approved and recommended by the Planning Commission and a special exception permit is granted by the Town Board after a public hearing. Such approval shall be consistent with the general purpose and intent of this chapter and shall be based upon such evidence as may be presented at such public hearing.
- (a) Amusement parks including baseball batting ranges, commercial skating rinks, go-cart tracks, golf driving range, miniature golf course or similar establishments.
 - (b) Automobile sales, service stations, gas station, repair, body shops, car wash.
 - (c) Bowling alleys, dance halls, skating rinks.
 - (d) Cabinetry, furniture, and/or woodworking shop, when employing two or less employees.
 - (e) Concrete batching and/or blacktop mix plant (temporary). Processing and recycling of road surface material (temporary)
 - (f) Contractor's storage yards, when any such yard shall be so placed, fenced, or screened by a planting so as not to be visible from an public highway or residential building other than of the owner of such yard, his agent or employee.
 - (g) Day care or child care facilities.
 - (h) Drive-through restaurant.
 - (i) Drive-in theater.
 - (j) Farm equipment sales and service.
 - (k) Farm machinery sales and service.
 - (l) Feed and seed stores.
 - (m) Fishing bait stores.
 - (n) Garden or nursery store and commercial greenhouse(s).
 - (o) Government and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelter, parks, playgrounds and museums.
 - (p) Light industrial plants such as required for production of millwork, machine tools, paper containers, patterns, die castings, light metal fabrication and similar small industries which do not require loud presses.
 - (q) Lumber yards.
 - (r) Manufacture, fabrication, packing, packaging, and assembly of products from glass, leather, metals, paper, plastic, textiles and wood, confections, cosmetics, electrical appliances, electronic devises, instruments, jewelry, pharmaceuticals, tobacco, toiletries and foods except cabbage, fish and fish products, meat and meat products.
 - (s) Mobile homes sales and service.
 - (t) Newspaper office and press rooms.
 - (u) Recycling and composting facilities.
 - (v) Tavern, including outdoor and indoor sports facilities and entertainment facilities which are part of the tavern's operations.
 - (w) Telecommunication facilities, commercial radio or TV broadcasting towers, cellular telephone towers, and similar structures subject to the provisions of Section 17.45(3)(x).

- (x) Transportation, motor, taxi, limo and bus terminals as well as cartage express facilities.
- (y) Wholesale establishments.

(4) **HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.**

- (a) Height. Except as otherwise provided in this chapter, no building or structure shall exceed a height of 35 feet. Telecommunications/cell towers shall not exceed 150 feet. One additional foot of extra height may be permitted provided one additional foot of each side and rear yards for each additional foot of extra height is also established up to a maximum height of 60 feet unless the Planning Commission approves a greater height. See Section 17.16.
- (b) Lot area. The minimum lot area shall be 20,000 sq. ft. and 40,000 sq. ft. with commercial building and residence combined.
- (c) Floor Area. The minimum floor area shall be 1000 sq. ft.
- (d) Width. The minimum width shall be 150 feet at the building line.
- (e) Side Yards. Side yards shall be not less than 15 feet wide.
- (f) Rear Yard. There shall be a rear yard of not less than 35 feet in depth.
- (g) Setback Lines. (Streets) See Sections 17.17 and 17.18.
- (h) Off Street Parking. See Sections 17.70-17.72.

17.47 MULTIPLE FAMILY RESIDENTIAL DISTRICT

(1) **PERMITTED USES:**

- (a) Any use permitted in the R-1/20 Residential District.
- (b) Duplexes.

(2) **CONDITONAL USES.** The following are special uses permitted when the location of the use shall have been approved and a conditional use request is recommended to the Town Board by the Planning Commission after a public hearing. Such approval shall be consistent with the general purpose and intent of this chapter and shall be based upon evidence presented at such public hearing.

- (a) Three family and larger multiple family dwellings and apartment complexes. An application for a condition use permit for apartment complexes shall include an overall site plan showing location and orientation of all structures, parking and driveway areas. For the purpose of determining the setbacks from lot lines and separating distances between units, the Planning Commission may consider the orientation of the structures toward each other and abutting lots, to achieve in purpose the minimum side yard of 10 feet and minimum rear set back of 35 feet. When reviewing applications for special exception the Planning Commission shall consider the following as minimum guidelines and may increase floor and lot areas but shall not reduce them unless municipal sewer and water is available:

NUMBER OF FAMILIES	LOT AREA	TOTAL HEATED LIVING SPACE
2	40,000	1,200
3	50,000	1,800
4	60,000	2,400

For each additional family unit added, a minimum of 10,000 square feet shall be added to the lot area and 600 square feet shall be added to the heated living space.

MOTOR VEHICLE AND PARKING REGULATIONS

17.70 LOADING REQUIREMENTS.

In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

17.71 PARKING REQUIREMENTS.

- (1) In all districts and in connection with every use, there shall be provided at the time any use or building is

erected, enlarged, extended or increased, off street parking stalls for all vehicles in accordance with the following:

- (a) Adequate access or a public street shall be provided to each parking stall and driveways shall be at least 10 feet wide.
- (b) Each parking stall shall be not less than 9 feet in width and not less than 180 sq. ft. in area exclusive of the space required for ingress and egress. Unpaved and unstriped parking lots for use by the general public shall provide 360 square feet per parking space, exclusive of ingress/egress lanes.
- (c) No parking stall or driveway except in residential districts shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district.

(2) Number of parking stalls required:

Single Family Dwellings	2 stalls/dwelling unit
Hotel, Motels	1 stall/guest room +1 stall/3 employees
Hospitals, Clubs, Lodges, Sororities, Dormitories, Lodging and Boarding Houses	1 stall/2beds + 1 stall/3 employees
Sanitariums, Institutions, Rest and Nursing Homes	1 stall/5 beds +1 stall/3 employees
Medical and Dental Clinics	4 stalls/doctor +1stall/3 employees
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall/5 seats
Colleges, Secondary and Elementary Schools	1 stall/2 employees +A reasonable number of stalls for student and other parking
Restaurants, Bars, Places of Entertainment, Repair Shops, Retail and Service Stores	1 Stall/150 sq. ft.
Financial Institutions, Business, Governmental and Professional Offices	1 Stall/300 sq. ft.
Funeral Homes	1 Stall/4 Seats
Bowling Alleys	3 Stalls/bowling lanes
Golf Courses	4 spaces/hole
Ball diamonds	40 spaces/diamond
Volleyball courts	14 spaces/court
Bars w/live music or DJ, banquet halls, dance clubs	1 space/50 sq. feet of patron space, including outdoor decks and patios

- (a) In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use during such periods of time as the various uses are reasonably likely to be simultaneously requiring parking for employees, customers and other persons.
- (b) Parking lots containing 10 or more stalls which are located in the Residential Districts or adjoining residential lots shall be screened along the side or sides of such lots which abut the lot lines of residential lots by a solid wall, fence, evergreen planting of equivalent opacity or other equally effective means, built or maintained at a minimum height of 4 feet. If parking lots so located are lighted, the lights shall be so shielded as to prevent glare or illumination of adjoining residential property.

17.72 DRIVEWAYS.

No direct access shall be permitted to the existing or proposed right-of-way of: expressways, freeways or interstate highways; nor to any other road, street or highway without complying with provisions of the authority maintaining the facility. If the proposed driveway will intersect a county or state highway, the Wisconsin Department of Transportation or Marathon County will establish the rules and regulations regarding conditions and compliance.

If the proposed driveway will intersect a town road, the Board of the Town of Wausau, subject to the following rules and regulations, will issue the Driveway Permit:

- (1) Vehicle entrances and exits to drive-in theaters, banks and restaurants; motels, funeral homes, vehicular sales, service, washing and repair stations; garages or parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or place of public assembly.
- (2) Vehicle entrances or exits to drive-in or outdoor theaters, race tracks or other forms of open space facilities shall be subject to there being no direct entrance to or exit from any of the above to any federal, state or county highway.
- (3) A private driveway must be designed and constructed in such a way that it will not cause any damage to the town road nor create any hazard to the public as they travel on the town road. Minimum standards outlined below shall apply:
 - a. Road width at the intersection of 20 feet
 - b. Width Clearance at the intersection of 24 feet and a steel culvert, if necessary, no less than 30 feet.
 - c. Width Clearance of 16 feet free of trees, brush, wires, or other potential obstructions
 - d. Height Clearance at the intersection of 16 feet free of trees, brush, wires or other potential obstructions.
 - e. The driveway within the area of the public right-of-way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road.
 - f. The angle of any intersection of a town road and driveway shall be 90 degrees.
 - g. Any variance from these requirements must have prior approval from the Town Board.
- (4) The applicant must agree to comply fully with Sections. 66.0425 and 86.07 Wis. Statutes, regarding correction of damage to public roads.
- (5) No minimum standards are required for entry for agricultural purposes into a field or woods that border a town road. However, no provision of this ordinance would relieve any person from a requirement to comply fully with Sections. 66.0425, 86.021, and 86.07 of Wisconsin Statutes regarding damage or obstruction to a public road or right-of-way. Corrective action would always be required from an owner or operator who damages a public road.
- (6) A driveway permit application should include the legal description of the property, a rough drawing of the proposed driveway site, and payment of the required fee. This is to be submitted to the Town Road Crew prior to construction of the driveway.

SIGNS

17.80 GENERAL.

- (1) No signs or billboards shall be permitted in any district except as specifically permitted herein.
- (2) At no time shall signs be permitted within a vision clearance triangle in such a manner as to vision or impair safety. (See Section 17.18.)
- (3) No sign located within 150 feet of a highway or street right-of-way shall contain, include or be illuminated by a flashing or rotating beam of light.
- (4) No sign shall be illuminated by any source of light that is not shielded to prevent glare of illumination of residential property other than that of the sign owner; nor shall the glare of any light source be so directed as to impair the safety of moving vehicles.
- (5) No signs, except of a public nature normal to public right-of-ways, shall be permitted within any public right-of-way without approval in writing from the jurisdictional governmental unit.
- (6) No sign larger than 5 sq. ft. shall be located, erected, moved, reconstructed or enlarged until a zoning permit has been issued.
- (7) Area measurements of signs shall include any border or trim but not the standard or supporting structure.

17.81 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS.

The following signs are permitted when located 48 feet from the center of a 4 rod road, except otherwise provided in this section:

- (1) Customary, professional and home occupation signs not exceeding 20 sq. ft. in area and "For Rent" or "For Sale" signs, not exceeding 4 sq. ft. in area.
- (2) One on premises announcement sign or bulletin board of an appropriate nature, identifying a hospital, school, church or other similar facility or institution, not exceeding 20 sq. ft. in area.
- (3) Temporary signs of not more than 20 sq. ft. in area for the purpose of advertising an auction, bazaar, festival, political or other special event. Signs shall be removed at the conclusion of the event.
- (4) Off premises signs provided they are directional only, the outside dimensions of which do not exceed 20 sq. ft. in area, are located within a 3 mile radius of the advertised business or activity and are not in conflict with Ch. HY-19, Wis. Adm. Code, or Section 84.30 and Ch. 196, Wis. Stats.
- (5) Signs necessary to the public safety and welfare or for the identification, operation or protection of a public utility installation shall be no larger than 3 sq. ft. in area and may be located any distance outside of the public right-of-way.
- (6) In all agricultural districts, signs which advertise agricultural products that are produced on the property where the sign is located shall be permitted provided the following conditions are met:
 - (a) Signs shall not conflict with state or federal sign regulations. (Note: it shall be the responsibility of the person wishing to erect or paint the sign to obtain any and all other permits or approvals.)
 - (b) For signs larger than 32 sq. ft. in area, all conditions set forth in Section 17.82(2)(a)-(d) shall be met.
 - (c) Signs shall be located on an operating farm and adjacent to the principal building or buildings used in the production of the agricultural product being advertised.
 - (d) Signs shall contain only one message per face, and no more than one double face or 2 single face signs larger than 32 sq. ft. per face shall be permitted.
 - (e) Signs which are 32 sq. ft. in area or less shall be permitted as farm identification signs. These signs shall include the farm name and/or surname of the farm operator. Farm identification signs shall be no less than 15 feet from the right-of-way.
 - (f) No sign other than a farm identification sign as defined in par. (e) above, shall contain a brand name, trade name, organization, co-op, union or bureau name.

17.82 SIGNS IN COMMERCIAL/LIGHT MANUFACTURING DISTRICTS.

The following signs are permitted:

- (1) All signs permitted in Section 17.81.
- (2) Identifying signs advertising a business or activity conducted on the premises in accordance with the following provisions:
 - (a) Wall signs placed against the exterior walls of buildings shall not extend more than 1 foot from the wall surface and shall not exceed 300 sq. ft. in area.
 - (b) Projecting signs fastened to, suspended from or supported by attached structures shall not exceed 40 sq. ft. in area on a side.
 - (c) Ground signs shall meet all yard requirements for the district in which they are located, shall not exceed 200 sq. ft. on a side and shall not exceed 25 feet in height above the main road grade.
 - (d) Roof signs shall not exceed 10 feet in height above the roof or parapet nor may such a sign extend beyond the building upon which it is located and shall not exceed 200 sq. ft. in area on a side.
- (3) Off premises signs:
 - (a) Signs shall meet the requirements of Section 84.30 and Ch. 196, Wis. Stats.

- (b) Signs which are not within the jurisdiction of the Wisconsin Administrative Code or State Statutes, shall meet the same size requirements as on premises signs in sub. (2) of this section.

17.83 SPECIAL PROVISIONS.

- (1) Signs lawfully existing at the time of the adoption or amendments of this chapter may be continued although the use, size or location does not conform with the provisions of this chapter. However, such signs shall be deemed nonconforming uses or structures and shall therefore be subject to the provisions of Section 17.13, Nonconforming Structures and Uses.

ADMINISTRATION

17.90 ORGANIZATION.

- (1) The administration of this ordinance is hereby vested in five offices of the government of the Town of Wausau: Town Board, Zoning Administrator, Building Inspector, Planning Commission and Board of Appeals.

17.91 ADMINISTRATION.

- (1) TOWN BOARD: The Town Board or its designee shall administer and enforce the provisions of this chapter.
- (2) POWERS AND DUTIES. In the administration and enforcement of this chapter, the Town Board or its designee shall have the following powers and duties:
 - (a) Delegate duties and supervise the zoning administrator.
 - (b) Advise applicants as to the provisions of this chapter and assist them in preparing permit applications.
 - (c) Issue permits and inspect properties for compliance with this chapter and issue certificates of compliance when appropriate.
 - (d) Keep records of all permits issued, inspections made, work approved and other official actions.
 - (e) Report violations of this chapter or other land use regulations to the Planning Commission.
 - (f) Have access to any structure or premises for the purpose of performing these duties between 8 a.m. and 8 p.m., by permission of the owner or upon issuance of a special inspection warrant in accordance with Chapter 66.122, WI Statutes.
 - (g) Make on-site investigations required for administration of this Code.
 - (h) Upon reasonable cause or question as to proper compliance, to revoke any zoning or special exception permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this chapter or order restoration and/or after-the-fact compliance.

17.92 ZONING ADMINISTRATOR.

- (1) The Zoning Administrator of the Town of Wausau shall be duly appointed by the Town Board and shall conduct the following duties to enforce this ordinance:
 - (a) Issue all zoning, building, pond, and moving permits as well as make and maintain records;
 - (b) Maintain permanent and current records of this ordinance, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications;
 - (c) Forward to the Town Planning Commission all applications for conditional uses and for amendments to this ordinance that are initially filed with this office;
 - (d) Forward to the Board of Appeals applications for appeals, variances, or other matter on which the Board of Appeals is required to pass under this ordinance;
 - (e) Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and to make reports of its recommendations to the Town Planning Commission not less frequently than once a year;
 - (f) Investigate alleged violations and report to the Planning Commission and Town Board;

- (g) Attend all of the Planning Commission and Board of Appeal meetings.

17.93 ZONING/BUILDING PERMIT PROCESS

- (1) The Zoning Administrator shall issue all zoning/building permits and make and maintain the records.
- (2) Applications for a zoning/building permit shall be made to the Zoning Administrator on forms furnished by him/her and shall include the following where applicable:
 - (a) Subject site, existing and proposed structures
 - (b) Existing and proposed easements, streets, and other public ways.
 - (c) Provide State approved plans with locations of off street parking.
 - (d) The use of any abutting lands and their structures within 60 feet of the subject site.
 - (e) The location of any well(s) and/or septic system(s).
 - (f) A landscaping plan.
 - (g) The zoning district within which the subject site lies.
 - (h) Payment of the appropriate fee as prescribed in Section 17.100.
- (3) Additional information if required by the Zoning Administrator.
- (4) The zoning/building permit shall be approved by the Zoning Administrator and reviewed by the Town Board.
- (5) The zoning/building permit shall be granted or denied in writing within 60 days.
- (6) The zoning/building permit expires two years after the date of issuance. A new permit must be issued or an existing permit renewed if the project is not completed.

17.94 POND PERMIT PROCESS.

- (1) The Zoning Administrator shall issue all pond permits and make and maintain records.
- (2) Applications for the pond permit shall be made to the Zoning Administrator on forms furnished by him/her and shall include the following where applicable:
 - (a) Names and addresses of the applicant, agent or owner of the site, architect, professional engineer or contractor.
 - (b) Description of the subject site by Parcel I.D. number from tax rolls, lot and block numbers and recorded subdivision or by metes and bounds, section, township and range, address of the subject site, property boundaries, dimensions, elevations, uses and size of the following:
 - 1. Subject site, existing and proposed structures.
 - 2. Existing and proposed easements, streets and other public ways.
 - 3. Provide State approved plans with locations of off street parking.
 - 4. The use of any abutting lands and their structures within 50 feet of the subject site.
 - 5. The location of any well(s) and/or septic system(s).
 - 6. The zoning district within which the subject site lies.
 - 7. Existing and proposed surface water drainage.
 - 8. Proposed regrading and revegetation of site after excavation.
 - 9. Types and location of buildings to be erected on site.
 - 10. Approximate total amount of earth material to be excavated.
 - 11. Provide a map showing the depth of the area of the proposed excavation site.
 - 12. Provide width, depth and size of the pond
 - 13. Provide a timetable for commencement and restoration of the site.
 - 14. Describe plan for visual screening on the site such as berms, plantings, or fencing.
 - 15. Describe plan for removing materials and identify source for all material to be excavated.
 - 16. Provide a landscape plan.
 - 17. Describe pond outflow to maintain normal water level.
 - 18. Describe habitat that will be planted in the pond.
 - 19. Provide a DNR wetland map on the delineation of the wetlands approved by the Army Corp of Engineers.
 - 20. Federal, state, and county permits when and where required if a non-metallic permit is required.
 - 21. Payment of the appropriate fee as prescribed in Section 17.98.
- (3) Additional information if required by the Zoning Administrator.
- (4) The pond permit shall be submitted to the Town Board by the Zoning Administrator.
- (5) The pond permit shall be granted or denied in writing within 60 days by the Town Board.

The pond permit expires within 18 months of the date of issuance. 17.95 BUILDING INSPECTOR.

- (1) The Building Inspector of the Town of Wausau shall be duly appointed by the Town Board and shall have the following duties:
 - (a) Issue permits according to the Uniform Dwelling Code.
 - (b) Conduct all inspections required by the State of Wisconsin One and Two Family Uniform Dwelling Code now in effect and as amended from time to time.
 - (c) Issue all certificates of occupancy as well as make and maintain records.
 - (d) Conduct inspection of buildings and structures to determine compliance with the terms of this ordinance.
 - (e) Additional information as may be required by the Planning Commission or Town Board.

17.96 PLANNING COMMISSION.

- (1) ESTABLISHMENT. The Town Planning Commission, as established under the provisions of Section 62.23 and 60.62(4) of the Wisconsin Statutes, is the Planning Commission referred to in this ordinance.
- (2) MEMBERSHIP.
 - (a) The Planning Commission shall consist of 5 members, appointed by the Town Board Chairman, subject to the confirmation of the Town Board.
 - (b) The members of the Planning Commission shall all reside within the township. Terms shall be for staggered 3 year periods beginning May 1.
 - (c) The Town Chairman will designate the Planning Commission Chairperson.
 - (d) Vacancies shall be filled for an unexpired term in the same manner as appointments for a full term. Each member shall be paid an amount to be determined by the Town Board for each day he attends a meeting of the commission.
- (3) RULES.
 - (a) The Planning Commission may adopt such rules for its government and procedure.
 - (b) Meetings shall be held at the call of the Chairman or at such other times as the Planning Commission may determine and shall be open to the public.
 - (c) Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question or, if absent or failing to vote indicating such fact, the reasons for the Planning Commission's determination and its findings of facts. These records shall be filed in the office of the Town Clerk and shall be public.
 - (d) The concurring vote of a majority of the Planning Commission shall be necessary to take any action upon which it is required to pass under this chapter or to effect any change to or amendment of this chapter.
- (4) POWERS.
 - (a) The Town Planning Commission shall be in charge of the following duties under this ordinance:
 1. Hear all applications for conditional uses and amendments to this ordinance and report said findings and recommendations to the Town Board in the manner prescribed in this article for Amendments and Conditional Uses;
 2. To hear and decide all matters upon which it is required to pass under this ordinance;
 3. Carry out Wisconsin Statute 62.23 (2) regarding the making and maintaining of a master plan for the physical development of the Town;
 4. Be cognizant of such plans as may be adopted by adjacent municipalities, the county or the regional planning agency;
 5. Make its recommendations and conduct its administration of this chapter in accordance with the Town plan and with such of the other plans as the commission shall endorse;

6. Review and approve planned developments;

7. Review and approve other matters regarding zoning as provided for in this ordinance.

17.97 ZONE CHANGE OR AMENDMENT.

- (1) **AUTHORITY.** The regulations imposed and the zoning districts created under authority of this chapter may be amended from time to time by ordinance in accordance with Chapter 62.23(7), WI Statutes. An amendment shall be granted or denied by the Town Board only after a public hearing before the Planning Commission and a report of its findings and recommendations has been submitted to the Town Board.
- (2) **INITIATION.** A petition for change or amendment may be made by any property owner in the area or any interested person to be affected by the change or amendment, by the Town Board, or the Planning Commission.
- (3) **APPLICATION.** The application for any change to the district boundaries or amendments to the regulations shall be filed with the Zoning Administrator. The application shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:
 - (a) Plot plan drawn to a scale of not less than 1 inch equals 200 feet the area proposed to be rezoned, its location, dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 300 feet of the area proposed to be rezoned.
 - (b) Names and addresses of all landowners whose property is within 300 feet of the area for which rezoning is proposed.
 - (c) Additional information as may be required by the Planning Commission or Town Board.
- (4) **REFFERAL AND RECOMMENDATIONS.** The Zoning Administrator shall check the petition for change or amendment or completeness, conferring with the petitioner as necessary. When the petition appears complete, the Administrator shall place it upon the Planning Commission agenda.
- (5) **HEARINGS.** The Planning Commission shall hold a public hearing upon each proposed change or amendment, the Town Clerk shall give notice of the time and place of such hearing by:
 - (a) Publication of a Class 2 notice, under Chapter 98, Wis. Stats.
 - (b) Mailed notice to the owners of record on Town tax rolls or assessor maps of all lands lying within 100 feet of any part of the land involved and any affected municipality under Wis. Stats. Section 62.23 (7)(d) in either a zoning district change or text amendment to this chapter found to have specific impact upon only a few properties.
 - (c) Such mailed notice shall be postmarked at least ten days prior to the date of hearing. The failure of such notice to reach any property owner, provided such failure be unintentional, shall not invalidate any amending ordinance or other action taken upon the matter noticed.
 - (d) Where the Planning Commission finds that the number of mailed notices will exceed ten under this provision, the Planning Commission may waive the mailed notice entirely or reduce the number to ten by providing notice to those owners directly opposite and directly adjacent on the fronting street.
- (6) **FINDING OF FACT AND RECOMMENDATION OF THE PLANNING COMMISSION:** Within 30 days after the close of the hearing on a proposed amendment, the Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the Town Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
 - (a) Existing use of property within the general area of the property in question.
 - (b) The zoning classification of property within the general area of the property in question.
 - (c) The suitability of the property in question to the uses permitted under the existing zoning classification.
 - (d) The trend of development, if any, in the general area of the property in question including changes, if any, which have taken place since the day the property in question was placed in its present zoning

classification

- (e) Minimum size of parcel: a lot, lots, or parcel of land shall not qualify for a zoning amendment unless it adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning amendment.
 - (f) The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interests of the applicant and not solely for the benefit of the applicant. The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph, the R-1/20 District shall be considered the highest classification and the CM Commercial/Light Manufacturing District shall be considered the lowest classification.
- (6) TOWN BOARD ACTION. The Town Board shall not act upon a proposed amendment to this ordinance until it shall have received a written finding and recommendation from the Planning Commission on the proposed amendment. After such public hearing and no later than the second Board meeting following receipt of the Planning Commission's recommendations, the Board shall act to approve, modify and approve and/or disapprove the proposed change or amendment. If an application for a proposed amendment is not acted upon by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.
- (7) PROTEST. If a protest against a proposed change or amendment is filed with the Town Clerk at least 24 hours prior to the date of the meeting of the Town Board at which the recommendation of the Planning Commission is to be considered, duly signed and acknowledged by the owners of 50% or more of the area proposed to be altered, or by abutting owners of over 50% of the total perimeter of the area proposed to be altered included within 300 feet of the parcel or parcels proposed to be rezoned, action on such ordinance may be deferred until the Planning Commission has had a reasonable opportunity to ascertain and report to the Town Board as to the authenticity of such ownership statements. Each signer shall state the amount of area or frontage owned by him and shall include a description of the land owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of the majority of Town Board present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.
- (8) EFFECTIVE DATE OF AMENDMENT AND ORDINANCE. Approval of the Marathon Board of Supervisors pursuant to Chapter 60.62(3) Wis. Statutes is required for any amendment to become effective.

17.98 CONDITIONAL USE:

- (1) APPLICATION FOR CONDITIONAL USE. An application for a conditional use shall be filed with the Zoning Administrator. The application shall include a plot plan showing the area involved its location, dimensions and location of adjacent structures within 300 feet of the area. A statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in this Chapter. Names and addresses of all landowners whose property is within 300 feet of the area should be provided. Additional information as may be required by the Planning Commission or Town Board. Such application shall be forwarded from the Zoning Administrator to the Planning Commission with a request for a public hearing.
- (2) HEARING ON APPLICATION. Upon receipt in proper form of the application the Planning Commission shall hold at least one public hearing on the proposed conditional use. The Planning Commission shall hold a public hearing upon each proposed change or amendment, giving notice of the time and place of such hearing by publication of a Class 2 notice, under Chapter 985, Wis. Stats.
- (3) AUTHORIZATION: For each application for a conditional use, the Planning Commission shall report to the Town Board its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed conditional use is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.
- (4) STANDARDS: No conditional use shall be recommended by the Planning Commission unless such Commission shall find:

- (a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
 - (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - (d) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and
 - (e) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Town Board pursuant to the recommendation of the Planning Commission.
- (5) **CONDITIONS AND GUARANTEES:** Prior to the granting of the conditional use, the Town Planning Commission may recommend, and the Town Board shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, sureties, deed restriction, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified above. In all cases in which conditional uses are granted the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- (6) **DECISION.** The Planning Commission and the Town Board shall decide all applications within 30 days after the public hearing and shall transmit a signed copy of its decision to the applicant and to the Town Clerk.

17.99 BOARD OF APPEALS.

- (1) **ESTABLISHMENT.** There is hereby established under this chapter a Board of Appeals as authorized under Section 62.23 of the Wisconsin Statutes for the purpose of hearing certain appeals and applications and reviewing requests for variances.
- (2) **MEMBERSHIP.**
 - (a) The Board of Appeals shall consist of 5 members, appointed by the Town Board Chairman, subject to the confirmation of the Town Board.
 - (b) The members of the Board of Appeals shall all reside within the township. Terms shall be for staggered 3 year periods beginning May 1.
 - (c) The Town Chairman will designate the Board of Appeals Chair.
 - (d) Vacancies shall be filled for an unexpired term in the same manner as appointments for a full term. Each member shall be paid an amount to be determined by the Town Board for each day he attends a meeting of the Board.
 - (e) Annually, the Town Chairperson shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board refuses or is absent.
- (3) **RULES.**
 - (a) The Board of Appeals may adopt such rules for its government and procedure.
 - (b) Meetings shall be held at the call of the Chairman or at such other times as the Board of Appeals may determine and shall be open to the public.
 - (c) Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question or, if absent or failing to vote indicating such fact, the reasons for the Board of Appeal's determination and its findings of facts. These records shall be filed in the office of

such Board and shall be a public concurring vote of a majority of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant or appellant on any matter upon which it is required to pass under this

- (d) The Chairman may administer oaths and compel the attendance of witnesses.
 - (e) Finality of Decision of the Board of Appeals. All decision and findings of the Board of Appeals on appeal or upon application for a variance after a hearing shall, in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided.
- (4) POWERS.
- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by any administrative official in the enforcement or administration of this chapter.
 - (b) To hear and pass upon the applications for variances from the terms provided in this ordinance in the manner prescribed by and subject to the standards established herein.
 - (c) To hear and review applications for substitution of nonconforming uses, provided no structural alterations are to be made. Whenever the Board of Appeals permits such a substitution, the use may not thereafter be changed without a new application.
 - (d) The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken.
 - (e) To hear and decide all matters referred to it or upon which it is required to pass under this ordinance, as prescribed by Section 62.23 of the Wisconsin Statutes.

17.100 VARIANCES.

- (1) PURPOSE. The Board of Appeals after a public hearing may determine and vary the regulations of this ordinance in harmony with their general purpose and intent, only in specific instances where the Board of Appeals makes findings of fact in accordance with the stated standards finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.
- (2) APPLICATION FOR VARIANCE AND NOTICE OF HEARING. An application for a variance shall be filed with the Zoning Administrator. The application shall contain such information as the Board of Appeals may, by rule, require.
- (3) STANDARDS FOR VARIANCES. To authorize upon appeal, in specific cases, such variance from the dimensional standards of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions herein will result in unnecessary hardship, and so that the spirit and intent of this chapter shall be observed and substantial justice done. The Board of Appeal shall not vary the regulations of this ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (a) Because of the particular physical surrounding, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
 - (b) The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification (in such a case this chapter would have to be amended through proper procedures);
 - (c) The purpose of the variance is not based exclusively upon the basis of economic gain or loss;
 - (d) The alleged unnecessary hardship is caused by this ordinance and is not for a self-created hardship (whether created by the present owner or the prior owner);
 - (e) The granting of the variation is not detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (f) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values with the neighborhood;
 - (g) The proposed variance does not permit standards lower than those required by the Wisconsin Statutes, Wisconsin Administrative Code or the State DNR.

- (h) The variance does not allow any finished surface in any basement or crawlway below the regional flood elevation for residential or commercial structures.
- (4) HEARING NOTICE. Board of Appeals shall fix a reasonable time and place for the hearing of the appeal or application, give public notice thereof by Class I notice, and shall give due notice to the parties in interest, the officer from whom the appeal is taken and the Town Board. At the hearing, the appellant or applicant may appear in person, by agent or by attorney.
- (5) DECISION
 - (a) The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a copy of the Board's decision.
 - (b) All decisions and findings of the Board of Appeals on appeals or upon application for a variance, after a hearing, shall be final administrative decisions and shall be subject to judicial review as by law may be provided.

17.101 FEES, VIOLATIONS AND PENALTIES.

The Zoning Administrator, Planning Commission, and Town Board shall issue permits. The Town of Board will determine fees and are subject to change without a public hearing.

- (1) VIOLATIONS. No person shall construct or use any structure, land or premises in violation of any of the provisions of this chapter. In case of any violation, the Town Board, Planning Commission, Zoning Administrator, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter. Every structure, fill or development placed or maintained in violation of this chapter is a public nuisance; and the creation thereof may be enjoined and maintenance thereof may be abated by an action instituted by the Town.
- (2) PENALTIES. Any person who fails to comply with the provisions of this chapter or any order of the Town Board or its designee issued in accordance with this chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeit not less than \$10 nor more than \$200 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

APPENDIX TO THE TOWN OF WAUSAU ZONING ORDINANCE

YARD REQUIREMENT CHART

DISTRICT	HEIGHT	FLOOR AREA	LOT AREA	WIDTH AT BUILDING LINE	SIDE YARD	REAR YARD
R-1/20	35 feet	1000 sq. ft.	20,000 sq.ft.	100 feet	10 feet	35 feet
TA-1/40	35 feet	1000 sq. ft.	40,000 sq.ft.	150 feet	15 feet	35 feet
A-1/80	35 feet	1000 sq. ft.	80,000 sq.ft.	200 feet	20 feet	50 feet
CM	35 feet	1000 sq. ft.	20,000 sq.ft. 40,000 sq.ft. With residence	150 feet	15 feet	35 feet

APPLICATION FEES

Homes : Homes will be charged \$0.10 per sq. ft.

All applications must have sanitary permit.

Barns/Pole Buildings:	1000 sq. ft. & under cost	\$ 30.00
	1000 sq. ft. to 2000 sq. ft, cost	\$ 50.00
	2000 sq. ft. to 4000 sq. ft. cost	\$ 75.00
	over 4000 sq. ft. cost	\$100.00
Garage:	Size- 360 sq. ft. to 812 sq. ft. cost	\$ 25.00
	812 sq. ft. to 1600 sq. ft. cost	\$ 40.00
	1600 sq. ft. and over cost	\$ 60.00
Shed:	Size- 100 sq. ft. or under cost	\$ 15.00
	100sq. ft. to 360 sq. ft. cost	\$ 20.00
Decks:	400 sq. ft. cost	\$ 15.00
	over 400 sq. ft. cost	\$ 20.00
Greenhouse:	300 sq. ft. cost	\$ 20.00
	over 300 sq. ft.	\$ 30.00
Commercial Buildings:	\$.12 per sq. Ft of office space or showroom floor space	
Storage or Work Buildings:	1000 sq. Ft. & under	\$ 40.00
	1000 sq. ft. to 2000 sq. ft	\$ 70.00
	2000 sq. ft to 4000 sq. ft	\$ 90.00
	4000 sq. ft to 6000 sq. ft	\$120.00
	6000 sq. ft. and over an additional charge of \$50 for every	\$150.00
	1000 sq. ft. above 6000 sq. ft.	
Signs		\$ 50.00
Board of Appeals-Variances		\$250.00
Zone Change/Conditional Use		\$250.00
Renewal of Zone permit		\$ 25.00
Driveway permit fee		\$ 50.00
Pond permit		\$100.00
Moving permit-garage and accessory buildings		\$300.00
Moving permit-dwelling and other buildings		

A double fee will be charged for all after-the-fact applications to partially recover the cost of obtaining compliance.

Zoning permits are not required for routine maintenance and repairs such as replacing siding and roofing. If windows or a deck are replaced to the same size, no permit is necessary.

If your building project is under \$1,000, a building permit is not required.

POND PERMIT

(This form must be filled out completely before permit will be issued.)

1. **Property Location** of the earth excavation (Street Address and/or Boundary Description): _____

2. **Existing Use and Proposed Use of the Property:** _____

3. **Property Owner:** _____

4. Address: _____
(Street) (City) (State) (Zip)

5. Telephone: _____
(Home) (Business) (Fax)

6. **Applicant (if different from Owner):** _____

7. Address: _____
(Street) (City) (State) (Zip)

8. Telephone: _____
(Home) (Business) (Fax)

9. Email: _____

10. Contact Person: _____

11. Address: _____
(Street) (City) (State) (Zip)

12. Telephone: _____
(Home) (Business) (Fax)

I (We) certify that I (we) am (are) familiar with applicable state and local codes and ordinances, the procedural requirements of the Town of Wausau, and have submitted all the required information.

Signed by: _____ Date: _____
(Property Owner)

(Note: No other signature may be substituted for the Property Owner's Signature.)

and: _____ Date: _____
(Applicant if different from Property Owner)

POND PERMIT INSTRUCTIONS

The pond permit form must be filled out completely before your application will be accepted and submitted to the Zoning Administrator with the following information:

- a. Existing and proposed surface water drainage.
- b. Proposed regarding and revegetation of site after excavation.
- c. Types and location of building to be erected onsite.
- d. Approximate total amount of earth material to be excavated.
- e. Provide a map showing the depth of the area of the proposed excavation site.
- f. Prove width, depth and size of the pond.
- g. Provide a timetable for commencement and restoration of the site.
- h. Describe plan for visual screening on the site such as berms, plantings, or fencing.
- i. Describe plan for removing materials and identify source for all materials to be excavated.
- j. Provide a landscape plan.
- k. Describe pond outflow to maintain normal water level.
- l. If a dike or dam is built that is six feet higher or greater, please provide the engineering plans.
- m. Describe habitat that will be planted in the pond.
- n. Provide a DNR wetland map on delineation with approval of the Army Corp of Engineers.
- o. Provide federal, state and county permits when and where required if a non-metallic permit is required.
- p. Fee of \$100 made payable to the Town of Wausau must accompany the request.

CONDITIONAL USE REQUEST

Property Location (Street Address and/or Boundary Description): _____

Existing Use and Proposed Use of the Property: _____

Property Owner Name _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

Applicant Name (if different from Owner): _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

Email: _____

Contact Person: _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

I (We) certify that I (we) am (are) familiar with applicable state and local codes and ordinances, the procedural requirements of the Town of Wausau, and have submitted all the required information.

Signed by: _____ Date: _____
(Property Owner)

(Note: No other signature may be substituted for the Property Owner's Signature.)

and: _____ Date: _____
(Applicant if different from Property Owner)

CONDITIONAL USE REQUEST

PLEASE PROVIDE THE FOLLOWING DOCUMENTS AND/OR INFORMATION ALONG WITH THE CONDITIONAL USE REQUEST TO THE ZONING ADMINISTRATOR:

- The legal description of the property _____

- Lot size _____
- Present Use _____
- Zoning District _____
- Proposed Use: _____
- Specify the reason(s) for the change _____

- Provide a list of all the adjoining owners, all names and addresses of all abutting and opposite property owners within 300 feet.
- Provide a plot plan showing the area involved its location, dimensions and location of adjacent structures within 300 feet of the area
- Indicate hours and days of operation if applicable
- Indicate truck and machinery access if applicable
- Indicate number of trucks and other machinery to be used on the site if applicable
- Fee \$250 made payable to the Town of Wausau must accompany request

The Town of Wausau Planning Commission and Board shall make their decision regarding the conditional use request based upon the evidence presented to it in each specific case with respect to the following matters:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
4. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and
5. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Town Board pursuant to the recommendation of the Planning Commission.

ZONING CHANGE OR AMENDMENT REQUEST

Property Location (Street Address and/or Boundary Description): _____

Existing Use and Proposed Use of the Property:

Property Owner Name _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

Applicant Name (if different from Owner): _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

Email: _____

Contact Person: _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

I (We) certify that I (we) am (are) familiar with applicable state and local codes and ordinances, the procedural requirements of the Town of Wausau, and have submitted all the required information.

Signed by: _____ **Date:** _____
(Property Owner)

(Note: No other signature may be substituted for the Property Owner's Signature.)

and: _____ **Date:** _____
(Applicant if different from Property Owner)

ZONING CHANGE OR AMENDMENT REQUEST

PLEASE PROVIDE THE FOLLOWING DOCUMENTS AND/OR INFORMATION ALONG WITH THE ZONING CHANGE/AMENDMENT REQUEST TO THE ZONING ADMINISTRATOR:

- The legal description of the property_____
- _____
- Lot size_____
- Present Use_____
- Zoning District_____
- Proposed Use:_____
- Specify the reason(s) for the change_____
- _____
- Provide a list of all the adjoining owners, all names and addresses of all abutting and opposite property owners within 300 feet.
- Provide a plot plan showing the area involved its location, dimensions and location of adjacent structures within 300 feet of the area
- List the reasons justifying the request_____
- _____
- Fee of \$250 made payable to the Town of Wausau must accompany request.

The Town of Wausau Planning Commission and Board shall make their decision regarding the zoning change or amendment based upon the evidence presented to it in each specific case with respect to the following matters:

1. Existing use of property within the general area of the property in question.
2. The zoning classification of property within the general area of the property in question.
3. The suitability of the property in question to the uses permitted under the existing zoning classification.
4. The trend of development, if any, in the general area of the property in question including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification
5. Minimum size of parcel: a lot, lots, or parcel of land shall not qualify for a zoning amendment unless it adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning amendment.

VARIANCE APPLICATION

Town of Wausau Board of Adjustment Appeals

Name of Applicant_____

Street Address_____

City, State, Zip_____

Phone_____ Tax Parcel Number_____

Legal Description of Property_____

Lot area and dimensions:_____

Zoning District:_____

Current Use and Improvements:_____

Nature and disposition of any prior petition for appeal, variance or conditional use_____:_____

Description of all nonconforming structures and use on the property:_____

Terms of Ordinance (requirements and Section #)_____

Variance Requested:_____

Address the variance criteria described in the application materials (attach additional pages.

Unnecessary hardship is because_____

Compliance with the terms of the ordinance is prevented by unique features of the property

A variance will not be contrary to the public interest because_____

Attach construction plans detailing

- | | |
|---|---|
| ___ Property Lines | ___ Vegetation removal proposed |
| ___ Ordinary high water mark | ___ Well and sanitary system |
| ___ Floodplain and wetland boundaries | ___ Utilities, roadways and easements |
| ___ Location and extent of filling/grading | ___ Location and type of erosion control measures |
| ___ Dimensions and locations of existing and proposed structure | |
| ___ Any other construction related to your request | |

I certify that the information I have provided in this application is true and accurate.

Signed:_____ Date_____

Remit to the Zoning Administrator along with the fee for \$250 made payable to the Town of Wausau.

ZONING/BUILDING PERMIT APPLICATION

Name of Applicant_____

Street Address_____

City, State, Zip_____

Phone_____

Sanitary Permit Provided by the County: Yes_____ No_____ Not required_____

Provide a description of the subject site, existing and proposed structures:_____

Provide a description of existing and proposed easements, streets, and other public ways:_____

Provide State approved plans with locations of off street parking if necessary.

Provide a description of the use of any abutting lands and their structures within 60 feet of the subject site._____

Provide a description or drawing of the location of any well(s) and/or septic system(s)._____

Provide a detailed landscaping plan._____

Indicate the zoning district within which the subject site lies._____

Please enclose a payment of the appropriate fee as prescribed in Section 17.100 to the Zoning Administrator.